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Thursday
July 28, 1983

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Air Pollution Control
Environmental Protection Agency

Aviation Safety
Federal Aviation Administration

Bridges
Coast Guard

Child Welfare
Child Support Enforcement Office

Crop Insurance
Federal Crop Insurance Corporation

Eggs
Agricultural Marketing Service

Fisheries
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Flood Insurance
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Energy Department

Intermodal Transportation
Interstate Commerce Commission

Marine Safety
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Selected Subjects

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Agricultural Marketing Service

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National Highway Traffic Safety Administration

Natural Gas
Federal Energy Regulatory Commission

Navigation (Water)
Coast Guard

Quarantine
Animal and Plant Health Inspection Service

Relocation Assistance
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Presidential Documents

Title 3—

The President

Proclamation 5076 of July 26, 1983

FBI Day, 1983

By the President of the United States of America

A Proclamation

"Fidelity, Bravery, Integrity." As the motto of the Federal Bureau of Investigation, these words serve as a reminder of the vital part this institution plays in maintaining order and justice in our free society. From its inception under President Theodore Roosevelt to the present, the FBI has worked diligently to enforce our laws, ensure the Nation's security, and further the pursuit of justice across our land. Under the strong and dedicated leadership of its Directors, the FBI has been shaped into the modern, efficient, and highly regarded crime-fighting agency it is today.

During the past three-quarters of a century, the FBI has fought against gangsters, foiled Axis-inspired espionage and sabotage, dealt serious blows to organized crime, worked to stem racial violence, and undertook the responsibility of safeguarding America against threats of hostile intelligence agents and efforts to subvert our form of government. Beyond this, today's FBI is not only preeminent in scientific investigative support, but has demonstrated great vision and distinction in the performance of its duties and the training of its Special Agents.

In a world tested by terrorism and turmoil, the FBI faces new, complex, and difficult challenges. In dealing with these problems, the Nation can be confident that the agency will continue to protect the rights of our citizens while vigorously addressing the ravages of crime.

By designating July 26, 1983, as FBI Day, we mark the seventy-fifth anniversary of the creation of the Federal Bureau of Investigation. In celebrating this event, law enforcement agencies throughout the Nation join the American people in expressing their debt of gratitude to the men and women who have made the FBI the world's foremost criminal investigative organization. This major milestone provides an opportunity for all our citizens to join in honoring those whose dedicated efforts have made the FBI a formidable foe of criminals and a stalwart defender of America's freedom and security.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate July 26, 1983, as FBI Day.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of July, 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 eighth.

Ronald Reagan

[FR Doc. 83-20640
Filed 7-26-83; 4:07 pm]
Billing code 3195-01-M

Editorial Note: For the President's remarks on signing Proclamation 5076, see the *Weekly Compilation of Presidential Documents* (vol. 19, no. 30).

Rules and Regulations

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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

Agriculture Marketing Service

7 CFR Part 59

Denaturing or Decharacterizing Requirement for the Exportation of Egg Products Not Intended for Human Food

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations governing the mandatory inspection of eggs and egg products to permit the exportation of egg products not intended for human food and not denatured or decharacterized. This action is taken because the existing regulations deny access to foreign markets for U.S. nondenatured inedible egg products. The effect of permitting export of inedible egg products which are not denatured or decharacterized is trade facilitation and expansion of foreign markets.

EFFECTIVE DATES: September 15, 1983.

FOR FURTHER INFORMATION CONTACT: D. M. Holbrook, (202) 447-3506.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and has been classified "nonmajor" as it does not meet the criteria contained therein for major regulatory actions. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities because it involves changes that facilitate trade, expand foreign markets, and enable U.S. firms to compete more favorably in foreign markets, but does not impose additional burdens on the affected industry.

This regulation has been reviewed for cost effectiveness under U.S. Department of Agriculture (USDA) Secretary's Memorandum 1512-1 implementing Executive Order 12291. It revises the export prohibition on nondenatured inedible egg products to permit their shipment under similar controls provided for the movement of such products domestically. As such, it is anticipated that the revisions will result in no significant monetary costs or other impacts offsetting the expected benefits. Alternatively, the Agency could have retained the existing restrictions or permit export without controls comparable to U.S. requirements; but the former would continue to deny access to foreign markets for nondenatured inedible egg products, and the latter could destroy markets for wholesome inspected products by creating the potential for fraudulent practices.

This rulemaking does not require an additional collection of information from the public under the Paperwork Reduction Act. Existing reporting and recordkeeping requirements in 7 CFR Part 59 have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and assigned OMB Nos. 0581-0113 and 0581-0114, respectively.

The Egg Products Inspection Act (EPIA) restricts the movement in domestic or foreign commerce of U.S. egg products which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations. The Regulations Governing the Inspection of Eggs and Egg Products (7 CFR Part 59) prohibit condemned or inedible egg products from being exported unless they are denatured or decharacterized. However, these regulations have always permitted domestic movement of such egg products that are not denatured or decharacterized provided they are properly labeled, shipped under Government seal, and controlled at receiving points by Government inspectors. Since U.S. firms would be able to compete more favorably in foreign markets if the export denaturant requirement—which is objectionable to many industrial and animal food users—were eliminated, the Agency is amending the regulations governing the mandatory inspection of eggs and egg products (7 CFR Part 59) to permit exportation of inedible egg products which are not denatured or decharacterized under similar restrictions required for such egg products shipped domestically.

The revisions provide for: Approval for importation of such product into a foreign country by an authorized foreign government official, product identification as required by U.S. regulations, shipment under U.S. Government seal, receipt by a U.S. or foreign government official, and U.S. approval of control procedures established in the foreign country to preclude the use of such products as human food. This revision opens foreign markets for nondenatured inedible egg products without jeopardizing the health and safety of the public, the market for edible inspected egg products, or the integrity of the inspection service. To allow free trade, provision is also made for the possibility of importing such products into this country.

Pursuant to the Paperwork Reduction Act, a new § 59.18 is added for identification of information collection requirements contained in Part 59, and their respective control numbers assigned by OMB. The Agency has determined that this amendment is not substantive, merely provides a convenient listing of the current information collection requirements and OMB control numbers as required by 5 CFR 1320, and is not subject to the requirements of Executive Order 12291, or those of the Regulatory Flexibility Act.

A notice of proposed rulemaking was published in the **Federal Register** (48 FR 13188) on March 30, 1983. The proposed rule comment period closed May 31, 1983. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Agricultural Marketing Service (AMS).

AMS received 37 comments in response to the proposed rule—12 from egg producers, egg packers, or egg products firms, 12 from food brokers, 4 from industry organizations (one representing 3 other industry associations), 2 from inedible processors, 2 from pet food firms, 1 each from a university, a State department of agriculture, a member of Congress, another Federal agency, and an

unidentified type of business. Fourteen commenters fully supported the proposed rule for one or more of the following reasons: it would expand trade in foreign markets; it would allow access to international markets; and proposed controls would be adequate to preclude inedible egg products from being used for human food, and thereby protect the integrity of U.S. wholesome inspected egg products in foreign markets. The following is a discussion of the substantive issues raised by commenters and the Agency's response to each:

1. One commenter suggested that a commercial sterility process be required for nondenatured inedible egg products as a safeguard should such products be illegally used in foreign countries for human food purposes. The Agency considered requiring pasteurization of such products but rejected this alternative because the EPIA does not require either pasteurization or sterilization. Such products would still be adulterated under the EPIA and heat treatment to improve microbiological quality might increase the potential for fraudulent practices. So, the Agency focused its attention on control procedures to prevent abuses abroad.

2. A few objecting commenters expressed concern that the opening and development of foreign markets for nondenatured inedible egg products would ultimately increase competition and drive prices up due to an alleged small domestic supply.

Opponents generally expressed the view that the domestic supply of inedible egg products is small. The Department does not agree with this assumption. Last year 59,000,000 pounds of inedible product were produced in 113 egg breaking and drying plants operating under USDA egg products inspection. An additional volume of inedible product was produced in the 2,500–3,000 shell egg packing plants in the United States. In fact, information from USDA field personnel indicates that in many areas of the United States salvage of inedible egg products is unprofitable due to costs of processing, packaging, and transportation.

Furthermore, Agency field experience indicates that inedible egg products produced in some official plants are disposed of by spreading on farms, through sewage systems (at a user surcharge), by dumping at landfills, or through other unprofitable disposal methods which are less costly than the costs of processing, packaging, and transportation and which outweigh the product's value. In some cases, simply no market exists for a plant's inedible egg products. Moreover, similar disposal problems are faced by some shell egg packers. So, the Agency rejects the small supply argument.

3. Several commenters stated that they were opposed to any possibility of nondenatured inedible egg products entering domestic food channels. The proposal does not change requirements for the control of such product produced domestically which have worked well for years. Further, should import approval for such products be granted to a foreign government, section 59.45(d) of the proposal requires the same controls used in this country as well as compliance with other applicable laws and regulations for importation into the United States.

4. A few commenters voiced opposition to the proposal in general because of the opinion that there is no major demand for nondenatured inedible egg products in any foreign country, and, presumably, the only demand for such product is for human consumption. They stated further that should the prohibition be eliminated, the value of the product would increase due to export sales and domestic pet food companies would be forced to find alternatives for inedible eggs which would ultimately disrupt domestic markets.

A few commenters stated that foreign markets do exist for nondenatured inedible egg products, and the Agency has been asked from time to time to make an exception to the denaturing or decharacterizing requirement so that nondenatured inedible product might be sold in foreign countries for animal food or pharmaceutical uses. The Agency is concerned about fraudulent use of such product for human food purposes. Therefore, the proposal establishes controls to preclude the use of nondenatured inedible egg products for human food purposes in foreign countries.

By properly controlling nondenatured inedible in foreign markets, and with the volume of inedible product available in this country, it is not anticipated that this change will have any significant impact on prices in domestic markets.

Furthermore, with the added costs of overseas transportation, it is not likely that local markets will be displaced by overseas sales. However, in individual buyer/seller situations—where a market may exist and with proper controls—the Agency does not find justification for continuing the restrictive practice of requiring denaturing or decharacterizing agents.

5. One processor of inedible egg products favoring the changes suggested that in order to further enhance foreign marketing that the Agency provide assurances U.S. inedible egg products are produced under "Good Manufacturing Practices" and are disease free. The commenter reasoned that inedible egg products are produced in plants inspected by USDA and, therefore, are USDA inspected. Under the EPIA, however, inspection coverage for such products is provided only to assure that they are not used for human food purposes. Furthermore, not all of the inedible egg products volume is produced in official plants operating under the continuous inspection provisions of the mandatory egg products inspection program. In fact, the EPIA specifically exempts inedible egg products processing from inspection other than inspection to determine that such products are not used for human food. A considerable volume of inedible egg products is produced in nonofficial shell egg plants which are generally only subject to quarterly surveillance inspections to assure proper labeling and disposition of restricted eggs and inedible egg products. The Agency has determined, therefore, that it cannot provide the requested assurances because of statutory restraints under the EPIA.

6. Several commenters expressed strong opposition to the proposal due to concerns for the possibility of U.S. nondenatured inedible egg products entering human consumption channels in foreign countries or domestically via importation and creating health and safety problems, adverse effects on the sale of U.S. inspected products, or damage to the integrity of the U.S. inspection system, which might develop from such an occurrence.

The Agency fully evaluated the potential effects of the proposal on the substitution of inedible egg products for inspected egg products in foreign markets. Likewise, its effects on the health and safety of the public, the sale of U.S. inspected egg products, and the U.S. inspection system were considered. As a result of this evaluation, controls have been proposed to prevent abuses resulting in such undesirable effects. The Agency has proposed controls under § 59.45(c) that are similar to but may be more stringent than controls used in this country which have worked well domestically for years.

Furthermore, since control procedures in each foreign country must be evaluated individually, the regulation is constructed with a scope sufficient to deal with specific situations, but is also designed to include controls which have proven successful in this country. In addition to other import laws, § 59.45(d) of the proposal provides that

nondenatured inedible egg products entering this country be subject to the same requirements as such domestic products. The Agency concludes that the proposed controls are adequate to protect the integrity of wholesome inspected egg products by precluding the substitution of inedible egg products for edible egg products. Finally, as stated in response to comment number 8, violations of these regulations would result in denial or rescission of the foreign government's authorization to receive nondenatured inedible egg products.

Therefore, the Agency will retain the provisions of § 59.45 (c) and (d) as proposed.

7. One commenter objected to the proposal because of concerns that provisions for the segregation of inedible are being changed, that some foreign countries produce small quantities of inedible compared to the United States ostensibly because inedible is used in edible products and, therefore, substitution of U.S. inedible for edible is probable (a view shared by another commenter), and that provisions for the handling or control of inedible are too vague.

Section 59.504(c) of 7 CFR Part 59 covers proper labeling, segregation, and inventory control procedures for nondenatured inedible egg products produced in official plants in this country. The proposal does not change or modify these provisions. Additionally, similar controls would be required in foreign countries prior to approval for export pursuant to section 59.45(c)(3) of the proposed rule.

The issue of substitution of U.S. inedible for edible abroad is addressed under discussion of comment number 6.

Two specific assertions were made regarding vagueness of inedible control provisions: (i) No example of decharacterization procedures and (ii) no examples of controls on product entering this country. These comments are confusing to the Agency because the purpose of the proposed rule was to permit the movement of inedible egg products which are not denatured or decharacterized in international commerce, and because the proposal establishes both import and export controls. Section 59.45(d) of the proposal deals with nondenatured inedible entering this country. It states that "such products shall be subject to the provisions of this part", meaning that existing regulatory provisions for the movement of nondenatured inedible egg products in this country shall apply.

8. One commenter objected to the provisions that officials of foreign governments responsible for control of the nondenatured inedible egg products are—in some cases—subject to approval of the Administrator and that the Administrator approves foreign governments' petitions to import into this country. The objection was based on the opinion that the Administrator might look more favorably on certain foreign governments due to political considerations and that some foreign officials might allow the product to be used for human food purposes. While it is certainly true that the Administrator has some latitude in the decisionmaking process, in this particular case, his/her responsibility is specific. Arbitrary or capricious decisions cannot be made by involved Agency officials because they are bound by statute and these regulations to assure that proper control procedures exist to preclude the use of inedible products for human food purposes. Additionally, violations of the regulations would result in denial or rescission of the foreign government's approval. Therefore, the Agency does not find these concerns justified and will retain the Administrator's approval in the final rule, but fully recognizes the necessity for vigorous enforcement of control procedures.

9. One commenter objected to the proposal for fear that nondenatured inedible egg products would be diverted into edible channels abroad because the majority of foreign inspection systems is not equivalent to the U.S. system. The commenter also raised the question as to whether the Department's personnel in foreign countries had the time or expertise to properly control the inedible product. The Agency agrees that most foreign inspection systems are not equivalent to the U.S. system; however, the breadth of this proposal deals only with the movement of nondenatured inedible from the United States to end-users in the foreign country and not the foreign government's inspection system in general. Obviously, some foreign governments will be denied authorization to import such products into their country if bona fide controls are not established or if experienced inspection personnel are not available. Only in these cases where reliable controls are established and experienced inspection personnel are available will a foreign government be granted the authorization to import U.S. nondenatured inedible egg products.

The commenter pointed out that the United States has more than an adequate domestic supply of inedible and permitting importation of nondenatured inedible would add to inspection problems. The commenter questioned precisely how the Agency would protect domestic markets from improper handling of imported nondenatured inedible egg products and precisely how the Agency proposes to regulate the use of such product in foreign countries.

The Agency agrees that domestic supplies of inedible are more than adequate but proposed to permit the entry of such products into this country to allow free trade. With the exception of customs requirements, etc., such products will be controlled from port of entry to the user—the same as domestic products. They must be shipped under seal as authorized in §§ 59.504(c) and 59.720(a) and identified as required by §§ 59.840 and 59.860 of the regulations. For such products exported to foreign countries—aside from shipment under seal and labeling requirements—close inspection and inventory controls will be required at each point from port of entry to the ultimate user. Depending on the method of movement and other factors, this most likely would vary on a case-by-case basis. Regardless, inspection at each stage in the movement of nondenatured inedible egg products in a foreign country will be necessary for control.

10. One commenter opposed the proposal due to the belief that the proposal is contrary to the authority granted USDA under the EPIA and contrary to public policy for health and economic reasons. Based on legislative findings, the commenter reasoned that the proposed rule could not be issued because: (i) It poses a hazard to foreign consumers; (ii) it poses a hazard to domestic consumers—a view shared by others; (iii) it may damage the U.S. egg products industry; and (iv) diversion of inedible egg products to human food uses abroad would increase the price of inedible egg products to U.S. processors.

The Agency rejects arguments (i) and (ii) because it maintains that only adequate controls will be approved and, therefore, foreign and domestic consumers will be protected. Furthermore, inspection controls could prevent abuses where denaturants alone could fail. For example, denatured inedible can be blended with nondenatured inedible so that the denaturant is no longer readily visible. Also, other dyes can be added to denatured inedible to mask the effect of the denaturant. Therefore, the use of a denaturant is not a total safeguard. The commenter reasoned that it is contrary to the statutory authority of USDA to permit inedible egg products to be exported without decharacterization or denaturing. The Agency maintains that under Section 10 of the EPIA, statutory

authority is provided for means other than denaturing to deter the use of inedible egg products for human food.

Likewise, the Agency does not accept argument (iii) because damage to the integrity of inspected U.S. products could only occur if inadequate controls were established.

The operative premise of argument (iv) is based on the opinion that diversion of inedible egg products for human food purposes will occur. Again, the Agency does not accept this view because adequate controls would prevent any such diversion.

Finally, this commenter viewed the rule to be a major rule under Executive Order 12291 because of the opinions that the annual effect on the economy could be in excess of $100,000,000 and that a major increase in costs or prices to consumers or individual industries could result. The commenter stated that an economic impact analysis should be conducted before a final rule is issued. The Agency has determined that the rule is not a major rule under Executive Order 12291 because it does not meet any of the criteria contained therein. Assuming a "worse case" hypothetical situation, if all the inedible egg products produced in inspected egg products plants last year were sold at edible dried whole egg prices, their value would only be approximately $22,000,000. Moreover, with adequate controls and adequate domestic supply, the Agency does not anticipate that major increases in costs or prices will occur.

11. A few commenters pointed out that their sales of inedible egg products were predominately in the denatured form. Therefore, they did not understand why the purported export market requires nondenatured egg. The Agency issued the proposal because denaturants are objectionable to certain industrial and pet food users in both this country as well as foreign countries.

12. A few commenters were concerned that nondenatured inedible egg products might enter the country and displace domestic inedible sales or that inedible improperly identified as edible egg products might enter U.S. markets.

Regarding the first concern, due to the domestic supply situation and overseas transportation costs, it is unlikely that foreign nondenatured inedible would be competitive in the United States. In order to allow free trade, the Agency has retained this provision. In regard to the latter concern, the regulations prohibit the importation of edible egg products into the United States unless it has been determined that the foreign country maintains an inspection system equivalent to that of the United States. Only Canada maintains such a system. And should it be determined that other countries meet U.S. inspection system requirements, their systems would need to be adequate to prevent substitution of inedible for edible egg products.

List of Subjects in 7 CFR Part 59

Shell eggs, Egg products, Mandatory inspection service.

In consideration of the foregoing, the amendments to the regulations governing the mandatory inspection of eggs and egg products (7 CFR Part 59) are as follows:

PART 59—INSPECTION OF EGGS AND EGG PRODUCTS (EGG PRODUCTS INSPECTION ACT)

1. In Part 59, a new § 59.18 is added to read as follows:

§ 59.18 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection requirements by the Office of Management and Budget contained in 7 CFR 59 pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96–511.

(b) *Display.*

7 CFR section where identified and described	Current OMB control No.
§ 59.22	0581–0113
§ 59.28(a)(1)	0581–0113
§ 59.40	0581–0113
§ 59.40	0581–0114
§ 59.105(b)	0581–0113
§ 59.110(a)	0581–0113
§ 59.112	0581–0113
§ 59.114	0581–0113
§ 59.122	0581–0113
§ 59.124	0581–0113
§ 59.126	0581–0113
§ 59.128(a)	0581–0113
§ 59.140	0581–0113
§ 59.144	0581–0113
§ 59.146(b)	0581–0113
§ 59.146(d)	0581–0113
§ 59.160(c)	0581–0113
§ 59.160(d)	0581–0113
§ 59.160(f)(3)	0581–0113
§ 59.200(a)	0581–0114
§ 59.220	0581–0113
§ 59.320	0581–0113
§ 59.402(a)	0581–0113
§ 59.411(a)	0581–0113
§ 59.411(b)	0581–0113
§ 59.411(f)	0581–0113
§ 59.430(b)	0581–0113
§ 59.435(b)	0581–0113
§ 59.435(c)	0581–0113
§ 59.440(c)	0581–0113
§ 59.500(h)	0581–0113
§ 59.504(c)	0581–0113
§ 59.504(h)	0581–0113
§ 59.504(k)	0581–0113
§ 59.504(o)(2)	0581–0113
§ 59.504(o)(3)(ii)	0581–0113
§ 59.504(o)(3)(iii)	0581–0113
§ 59.504(o)(3)(iv)	0581–0114
§ 59.515(a)(8)	0581–0113
§ 59.520(h)	0581–0113
§ 59.522(x)	0581–0113
§ 59.522(f)	0581–0113
§ 59.522(aa)(2)	0581–0113
§ 59.530(d)	0581–0113
§ 59.534(a)	0581–0113
§ 59.544(b)	0581–0113
§ 59.544(c)	0581–0113
§ 59.544(d)	0581–0113
§ 59.552(b)(1)	0581–0113
§ 59.552(b)(2)	0581–0113
§ 59.570(c)	0581–0113
§ 59.575(b)(3)	0581–0113
§ 59.575(d)	0581–0114
§ 59.580(c)	0581–0113
§ 59.600	0581–0113
§ 59.610(a)	0581–0114
§ 59.620	0581–0113
§ 59.640	0581–0113
§ 59.680(a)	0581–0113
§ 59.690	0581–0113
§ 59.720(a)(2)	0581–0113
§ 59.720(a)(3)	0581–0113
§ 59.720(c)	0581–0114
§ 59.760	0581–0113
§ 59.920	0581–0113
§ 59.930(f)	0581–0113
§ 59.960	0581–0113
§ 59.965	0581–0113

2. Section 59.45 is revised to read as follows:

§ 59.45 Prohibition on eggs and egg products not intended for use as human food.

(a) No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation in commerce, any eggs or egg products which are not intended for use as human food, unless they are denatured or decharacterized, unless shipped under seal as authorized in paragraphs (c) and (d) of this section or in §§ 59.504(c) and 59.720(a) and identified as required by the regulations in this part.

(b) No person shall import or export shell eggs classified as loss, inedible, or incubator rejects or any egg products which are unwholesome, adulterated, or are otherwise unfit for human food purposes, except as provided in paragraphs (c) and (d) of this section, unless they are denatured or decharacterized and identified as required by the regulations in this part.

(c) Egg products which are unwholesome, adulterated, or are otherwise unfit for human food purposes that are not denatured or decharacterized may be exported to foreign countries for industrial use or animal food under the following provisions:

(1) Authorized government official of the foreign country shall approve the importation of such products into that country.

(2) The egg products shall be shipped under U.S. Government seal and identified as required in § 59.840.

(3) Provisions for the control of such inedible product in the foreign country to preclude its use as human food must be established and approved by the Administrator. Such control may consist of, but not be limited to, receipt and

inspection by an appropriate U.S. Government official, an official of an approved meat, poultry, or egg products inspection system of the foreign government, or, when acceptable to the Administrator, a foreign government official including other foreign health authorities.

(d) Foreign governments may petition the Administrator for approval to import into this country egg products which are unwholesome, adulterated, or otherwise unfit for human food purposes that are not denatured or decharacterized for industrial use or animal food requirements. Such products shall be subject to the provisions of this part and other applicable laws and regulations for importation into the United States.

(Egg Products Inspection Act, 84 Stat. 1620–1635; 21 U.S.C. 1031–1056)

Done at Washington, D.C., on July 25, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-20451 Filed 7-27-83; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 83-332]

Citrus Canker; Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the "Citrus Canker—Mexico" interim regulations by adding the municipios of Cihuatlan and Tomatlan in the State of Jalisco in Mexico to the list of areas designated as infected areas because of citrus canker disease. The effect of this action is to provide that any fruit or peel of citrus or citrus relatives from these areas in Mexico offered for importation into the United States will be refused importation unless imported by the U.S. Department of Agriculture for experimental or scientific purposes under certain conditions. This action is necessary to prevent the introduction of citrus canker into the United States.

DATES: Effective date of the interim rule is July 28, 1983. Written comments must be received on or before September 26, 1983.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 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: Frank Cooper, Staff Officer, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 637, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8248.

Stephen Poe, Plant Pathologist, Emergency Programs, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 609, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–6365.

SUPPLEMENTARY INFORMATION:

Background

The "Citrus Canker—Mexico" interim regulations (contained in 7 CFR 319.27 *et seq.* and referred to below as the regulations) were initially established on November 17, 1982, because of the finding of citrus canker disease in certain areas in Mexico (47 FR 51723–51729). The regulations have been changed and corrected on several occasions (47 FR 54273–54275, 55199; 48 FR 387–393, 17322–17327, 24311).

The regulations were established to protect against the introduction of citrus canker disease into the United States. Prior to the effective date of this document, the entire State of Colima and the municipio of Coahuayana in the State of Michoacan in Mexico were the only areas listed as infected areas. However, because of the occurrence of citrus canker disease in the municipios of Cihuatlan and Tomatlan in the State of Jalisco in Mexico, it is necessary to add these areas to the list of areas specified in the regulations as infected areas.

The infection in the municipio of Cihuatlan was present at the time the regulations were initially established on November 17, 1982, and this area has been subject to regulatory activities by Mexico because of citrus canker disease. However, this municipio was inadvertently not included in the list of infected areas in the regulations. Also, based on surveys conducted cooperatively by Mexico and the United States, it has been determined that a light citrus canker infection exists in the municipio of Tomatlan. It is not known when the infection spread to the municipio of Tomatlan.

Designating these areas as infected areas under the regulations changes the status of certain articles from these newly designated areas. In this connection, the regulations provide that any fruit or peel of Mexican lime (*Citrus aurantifolia*) from any area of Mexico, and any other fruit or peel of citrus or citrus relatives (fruit or peel of any genera, species, or varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioideae of the botanical family Rutaceae) from infected areas in Mexico offered for importation into the United States will be refused importation unless imported by the U.S. Department of Agriculture for experimental or scientific purposes under certain conditions.

It should also be noted that the regulations contain provisions concerning the importation of certain articles from uninfected areas in Mexico. In this connection, the regulations designate as restricted articles fruit or peel of ethrog (*Citrus medica*), grapefruit (*Citrus paradisi*), lemon (*Citrus limon*), orange (*Citrus sinesis*), Persian lime (*Citrus latifolia*), and tangerine (*Citrus reticulata*) from uninfected areas in Mexico. Under the regulations any restricted article is allowed to be imported into the United States by the U.S. Department of Agriculture for experimental or scientific purposes under certain conditions and is allowed to be imported by any importer if imported in accordance with certain conditions. A restricted article is allowed to be imported by any importer only if imported in accordance with provisions concerning permits, inspection and phytosanitary certificates of inspection, treatment and other requirements, marking and identity, arrival notification, costs and charges, ports of entry, and certain geographical restrictions.

Emergency Action

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 of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the introduction into the United States of citrus canker disease.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures 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. A document discussing comments

received and any amendments required will be published in the **Federal Register** as soon as possible.

Executive Order 12291 and Regulatory Flexibility Act

This interim rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will not have significant 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 on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action should not have any significant effect since previously, little, if any, fruit or peel of citrus or citrus relatives was being offered for importation into the United States from the municipios of Cihuatlan or Tomatlan in the State of Jalisco in Mexico.

Under these circumstances, 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.

List of Subject in 7 CFR Part 319

Agricultural commodities, Imports, Plant diseases, Plants (agriculture), Transportation, Citrus canker, Fruit.

PART 319—FOREIGN QUARANTINE NOTICES

Accordingly, the "Citrus Canker-Mexico" regulations in 7 CFR 319.27 *et seq.* are amended by revising § 319.27(c) to read as follows:

§ 319.27 Articles refused importation; restrictions; infected areas; disposal of articles refused importation; importation for experimental or scientific purposes.

* * * * *

(c) The following areas in Mexico are designated as infected areas:

The entire State of Colima.

The entire municipio of Coahuayana in the State of Michoacan.

The entire municipios of Cihuatlan and Tomatlan in the State of Jalisco.

* * * * *

(Sections 105, 106, 107; 71 Stat. 32–34; 7 U.S.C. 150dd, 150ee, 150ff; Sections 5, 7, and 9; 37 Stat. 316–18; 7 U.S.C. 159, 160, 162; 7 CFR 2.17, 2.51, and 371.2(c))

Done at Washington, D.C., this 22nd day of July 1983.

William F. Helms,

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

[FR Doc. 83-20313 Filed 7-27-83; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Oranges Reg. 310]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period July 29–August 4, 1983. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: July 29, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures 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 Valencia orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Valencia Orange 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 February 22, 1983. The committee met again publicly on July 26, 1983 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is easier.

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 regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the Act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 908

Marketing agreements and orders, California, Arizona, Oranges (Valencia).

PART 908—[AMENDED]

1. Section 908.610 is added as follows:

§ 908.610 Valencia orange regulation 310.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period July 29, 1983 through August 4, 1983, are established as follows:

(a) District 1: 329,000 cartons;

(b) District 2: 371,000 cartons;

(c) District 3: Unlimited cartons.

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

Dated: July 27, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-20726 Filed 7-27-83; 12:29 pm]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

7 CFR Part 354

[Docket No. 83-334]

Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. These amendments change commuted traveltime periods to reflect changes in the time necessarily spent in reporting to and returning from the place at which an employee of Plant Protection and Quarantine performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such changes depend upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: July 28, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. James R. Reynolds, Coordinator, National Administrative Planning Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 614, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-7250.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final action has been reviewed under Executive Order 12291, and has been determined to be exempt from those requirements. Bert W. Hawkins, Administrator, Animal and Plant Health Inspection Service, has made this determination because commuted traveltime allowances are strictly a function of where the APHIS employee lives in relation to the place overtime or holiday duty is performed. As employees are transferred or change their residence or as the place of inspection changes, the number of hours of commuted traveltime allowed may change. These amendments merely reflect such changes and serve to notify the public of the new allowed hours.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

List of Subjects in 7 CFR Part 354

Agricultural commodities, Exports, Government employees, Imports, Plants (agriculture), Quarantine, Transportation.

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing in 7 CFR 354.2, prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by revising the entries under "Virginia" for "Newport News" and "Norfolk" in appropriate alphabetical sequence to read as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES

[In hours]

Location covered	Served from	Metropolitan area	
		Within	Outside
* * *	*	*	
Virginia:			
Norfolk Metropolitan Area (including Chesapeake, Hampton, Newport News, Portsmouth, and Virginia Beach)		2	
* * *	*	*	

(64 Stat. 561 (7 U.S.C. 2260))

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Done at Washington, D.C., this 25th day of July 1983.

Harvey L. Ford,

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

[FR Doc. 83-20515 Filed 7-27-83; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 303, 304, and 347

Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control Forms, Instructions, and Reports, Foreign Activities of Insured State Nonmember Banks

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule; correction.

SUMMARY: This document corrects footnote designations contained in an amendment to the Federal Deposit Insurance Corporation's application procedures.

SUPPLEMENTARY INFORMATION: On page 28077 of the June 20, 1983 issue, in column three, § 303.12(c)(5) is corrected to read as follows:

* * * * *

(5) Any financial arrangements which have been made in connection with the proposed branch [9] and which involve the applicant's directors, officers, major shareholders,[10] or their interests, are fair and reasonable in comparison to similar arrangements that could have been made with independent third parties.

Dated: July 22, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-20425 Filed 7-27-83; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 33

[Docket No. 82-ANE-49; Special Conditions No. 33-NE-1]

Special Conditions: General Electric Co.; CT7 Series Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued under §§ 21.16 and 21.101(b) of the Federal Aviation Regulations (FAR) to the General Electric Company for the CT7 series turboprop engines. These engines will have novel or unique design features associated with a propeller brake for which the applicable airworthiness regulations do not contain adequate or appropriate safety

standards. These special conditions contain safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations.

EFFECTIVE DATE: July 20, 1983.

FOR FURTHER INFORMATION CONTACT: Donald F. Perrault, Engine and Propeller Standards Staff, ANE-110, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, Telephone (617) 273-7330.

SUPPLEMENTARY INFORMATION: On August 6 and 14, 1981, General Electric Company, 1000 Western Avenue, Lynn, Massachusetts 01907, filed applications for type certification of its CT7-5A and -7 model turboprop engines, respectively, under Part 33 of the FAR. The CT7-5A and -7 engines are takeoff-rated at 1630 and 1700 shaft horsepower, respectively. The special conditions herein are made applicable to the CT7 series turboprop engines to also cover future models within this engine series.

The CT7-5A and -7 turboprop engines incorporate a propeller brake which will allow the propeller to be brought to a stop, while the gas generator portion of the engine remains in operation, and remain stopped during operation of the engine as an auxiliary power unit ("APU Mode"). The applicable airworthiness requirements do not contain adequate or appropriate safety standards for the type certification of this unusual design feature. Special Conditions are therefore required. Special Conditions were proposed (48 FR 17104; April 21, 1983) to provide a level of safety equivalent to that established in the regulations. Comments were received and each is responded to herein. A prefacing response, however, is that the propeller brake system consists of engine-furnished components and airframe-furnished components, the combination of which can only be operationally evaluated on the aircraft.

Comment: Unless it can be established that inadvertent application of the propeller brake is improbable, testing should be required to determine that no unacceptable hazard would result.

Response: These concerns will be satisfied as part of the aircraft powerplant installation requirements under the provisions of FAR 25.901, 25.903, and 25.1309. Information and data requirements with regard to the engine-furnished portions of the system will be the reponsibility of the aircraft manufacturer with support of the engine manufacturer as needed.

Comment: Effect on continued airworthiness of sustained operation in the APU Mode on life limited parts, engine maintenance, etc. should be investigated and promulgated accordingly.

Response: This will be addressed during the certification process of the engine under the existing provisions of FAR 33 which are considered sufficiently broad to cover APU Mode design and operations without special conditions in these areas.

Comment: The "Ground locking" Special Condition appears to consider only the functioning of the brake itself whereas the test should demonstrate that there will be no adverse effects on the complete engine, including the reduction gearbox, while the engine is operating the APU Mode conditions of engine speed, torque, temperature, air bleed, and power extraction as specified by the applicant.

Response: The FAA's intent was to consider the complete engine, therefore the FAA agrees with the comment. Accordingly, the words "on the complete engine" are incorporated in the final special condition. With this inclusion, the words "including the reduction gearbox" are considered to be superfluous and therefore omitted.

Comment: It seems hardly sufficient to just specify 45 hours' running without any guidance on the minimum or maximum time periods or their distribution through the type test. Periods not shorter than 30 minutes and not longer than 60 minutes should be distributed evenly throughout the 25 stages of the test.

Response: The essential requirement was to specify a minimum endurance test time considered sufficient to demonstrate a time-unlimited mode of operation. In this context, the 45-hour period is consistent with that for the Maximum Continuous (MC) Rating in FAR 33.87(b). Analysis of 33.87(b) shows that 25 periods of 90 minutes and 15 periods of 30 minutes each, for a total of 45.0 hours, are performed for the MC rating. The periodicity and distribution of the basic 45 hour test requirement were intentionally not specified. This was to permit test flexibility in conjunction with other required tests, particularly the 150-hour endurance test. This is the purpose of the special condition statement following item (3) of the proposed special conditions.

Comment: The dynamic braking requirement appears to consider only the functioning of the brake itself whereas the test must demonstrate the complete engine's ability to function, without adverse effects under the maximum conditions of engine acceleration/deceleration rate, speed, torque, and temperature.

Response: As in the response to the "ground locking" comment, the FAA agrees. Accordingly, the words "on the complete engine" are incorporated in the final special condition.

Comment: It seems hardly sufficient to just specify starts and stops with the brake engaged without reference to the operating procedures and conditions for brake engagement and disengagement.

Response: As with the special conditions to evaluate ground locking and dynamic braking, the applicant is to conduct the testing in accordance with the operating procedures he will have developed for his engine system. The FAA approval, as with basic engine approvals, will be consistent with what will have been satisfactorily substantiated with respect to operating procedures and operating limitations.

Comment: The last paragraph requires clarification.

Response: The last paragraph was intended to mean that if the operational procedures and limitations to be approved for the engine propeller brake system (as part of the complete engine) are consistent with those which would normally apply to substantiate FAR 33.87(b), then the applicant may propose to perform conjunctive testing to satisfy both sets of requirements—FAR 33.87(b) and these special conditions. Acceptability, to the FAA Administrator, of such a proposal would rest with the responsible certification office and would be based on appropriate technical justification by either extending the endurance test or by offering acceptable alternative test evidence. Accordingly, the clarifying words "and if found appropriate by the Administrator" are incorporated in the final special condition.

Comment: There is an implication that the proposed special conditions have been specifically tailored to suit the particular derivative circumstances of the CT7. Since it is admitted that the propeller brake and APU mode of running is a novel or unique design feature, Special Conditions covering all the above comments and having general applicability would be preferable.

Response: As previously discussed, the proposed special conditions are purposely generalized to cover generic propeller brake designs and, as such, are intended to be published as proposed changes to FAR 33 by a Notice of Proposed Rulemaking (NPRM).

Type Certification Basis

The certification basis for the General Electric Company CT7 series turboprop engines is part 33 of the FAR effective February 1, 1965, as amended by

Amendments 33-1 through 33-5, Special Condition No. 33-76NE-2, and these Special Conditions.

Special Conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of the engine. Special Conditions are now issued after public notice in accordance with §§ 11.28 and 11.29(b) effective October 14, 1980, and will become part of the type certification basis in accordance with § 21.17(a)(2).

List of Subjects in 14 CFR Part 33

Aviation safety, Aircraft.

Special Conditions

Accordingly, the following special conditions are issued to the General Electric Company for the CT7 series turboprop engines equipped with a propeller brake:

In addition to the requirements of FAR 33.87, the applicant must conduct the following runs:

1. Ground locking. A total of at least 45 hours with the propeller brake engaged in a manner which clearly demonstrates its ability to function without adverse effects on the complete engine while the engine is operating in the "APU Mode" under maximum conditions of engine speed, torque, temperature, air bleed, and power extraction as specified by the applicant.

2. Dynamic braking. A total of at least 400 application-release cycles of brake engagements must be made in a manner which clearly demonstrates its ability to function without adverse effects on the complete engine under the maximum conditions of engine acceleration/deceleration rate, speed, torque, and temperature. The propeller must be stopped prior to brake release.

3. Conduct at least 100 engine starts and stops with the propeller brake engaged.

This testing may be performed in conjunction with the endurance test schedule of FAR 33.87(b) if system parameter conditions permit and if found appropriate by the Administrator.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983))

Note.—This action is not a rule of general applicability and is therefore not covered under Executive Order 12291 or the Regulatory Flexibility Act. The FAA has determined that this document is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the docket. A copy of it may be obtained by contacting the person identified as the information contact.

Issued in Burlington, Massachusetts, on July 20, 1983.

Gerald D. Curtin,

Acting Director, New England Region.

[FR Doc. 83-20411 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-57-AD; Amdt. 39-4694]

Airworthiness Directives; Piccard Model AX-6 Balloons

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Piccard Model AX-6 Balloons which supersedes AD 82-13-02, Amendment 39-4406. It requires enlargement of the pilot light propane jet orifice, deletes a requirement of the superseded AD for the installation of pilot light and main fuel line quick-shutoff valves and requires modification of any main fuel line quick-shutoff valve installations already accomplished. Reports have indicated that the present installation is subject to inadvertent damage which may release propane at the tank, and that adoption of certain operational procedures and enlargement of the pilot orifice will establish an equivalent or greater level of safety than that provided by the quick-shutoff valves. This action will preclude the possibility of an uncontrollable fire due to fracture of propane tank-mounted hardware and reduce the possibility that the pilot light will be an undesired source of ignition by reducing the time between shutoff of the pilot light valve and pilot flame extinguishment.

DATE: Effective Date: August 4, 1983.

Compliance: Within the next 50 hours time-in-service after the effective date of this AD.

ADDRESSES: Don Piccard Balloons, Inc., Service Letter Number 9 dated May 10, 1983, and Service Letter Number 10 dated May 10, 1983, applicable to this AD may be obtained from Don Piccard Balloons, Inc., 1445 East River Road, Minneapolis, Minnesota 55414. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. John Quinn, Aerospace Engineer, Chicago Aircraft Certification Office, Propulsion Branch, ACE-140C, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018; Telephone (312) 694-7011.

SUPPLEMENTARY INFORMATION: As a result of an accident and fire involving a Piccard AX-6 balloon when a ripout panel line became entangled in a burner blast valve handle during landing, the FAA issued AD 82-13-02, Amendment 39-4406 (47 FR 28612), which required installation of a main and pilot light fuel quick-shutoff valves in the fuel system and a different blast valve handle on these balloons. Subsequent to this action, service experience and comments from the ballooning community indicate that safety hazards may have been introduced in the fuel system by the installation of the main fuel quick-shutoff valve. Specifically, components of the rigid portion of the fuel system now may extend outside the tank protective shield and if inadvertently struck or subjected to force, could be damaged or broken. Additionally, the manufacturer has also established that increasing the pilot light jet orifice diameter from the present .018 inches to .035 inches reduces the time between pilot light closing and flame extinguishment to a time comparable to that between closing of the pilot light quick-shutoff valve and flame extinguishment with the .018 inch orifice. Accordingly, the increase in pilot light orifice diameter will provide an equivalent level of safety to that achieved by installation of the shutoff valve at the pilot light. The manufacturer has published instructions for increasing the size of the pilot light orifice and installing a main fuel quick-shutoff valve which locates all rigid components of the installation within the tank shield in its Service Letter Nos. 9 and 10, respectively. Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other balloons of the same type design, an AD is being issued superseding AD 82-13-02 which omits the requirement for installing the main and pilot light quick-shutoff valves, requires modification of any main shutoff valve already installed and an increase in the pilot light orifice size on Piccard AX-6 balloons. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Piccard: Applies to Model AX-6 balloons certified in any category.

Compliance: Within the next 50 hours time-in-service after the effective date of this AD, unless already accomplished.

To reduce the time for pilot light extinguishment after shutoff and prevent damage to main fuel systems modified per General Balloon Corporation Service Letter No. 8 or AD 82-13-02, accomplish the following:

(a) Modify P/Ns 5041-10, 8201-23 or GBC 156 propane jet by drilling out the orifice with a #65 drill (.035 inch diameter) in accordance with Don Piccard Balloons, Inc., Service Letter No. 9 dated May 10, 1983.

Note.—The shaded "square" in P/N 5041-10 is part of the part number.

(b) If blast valve handle P/N 5041-7 is installed, modify or replace with a P/N PSP 606 handle per Don Piccard Balloon Corporation Service Letter No. 10 dated May 10, 1983.

(c) If a main fuel quick-shutoff valve is installed, either remove in its entirety or modify the installation in accordance with Don Piccard Balloons, Inc., Service Letter No. 10 dated May 10, 1983.

(d) An equivalent means of compliance with this AD may be used if approved by the Manager, Chicago Aircraft Certification Office, ACE-115C, 2300 East Devon Avenue, Room 232, Des Plaines, Illinois 60018; Telephone (312) 694-7357.

This AD supersedes AD 82-13-02, Amendment 39-4406.

This amendment becomes effective on August 4, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); § 11.89 of the Federal Aviation Regulations (14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on July 19, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-20181 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-63-AD; Amdt. 39-4695]

Airworthiness Directives; Partenavia Costruzioni Aeronautiche S.p.A. Models P68, P68B, P68C, P68C-TC, and P68 Observer Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Partenavia Costruzioni Aeronautiche S.p.A. Models P68, P68B, P68C, P68C-TC and P68 Observer airplanes which requires a torque check of the AN4-6A bolts which attach the stabilator torque tube bracket to the fuselage frame. The manufacturer has reported several instances of finding these bolts with insufficient torque during production final inspections which could lead to loss of control of the stabilator. The action required by this AD will preclude loosening of the stabilator support brackets.

DATES: Effective date: August 4, 1983.

Compliance: Within 50 hours time-in-service after the effective date of this AD.

ADDRESSES: Partenavia Service Bulletin No. 57 dated March 7, 1983, applicable to this AD may be obtained from Partenavia Costruzioni Aeronautiche S.p.A., Via Cava, P.C. 2179, 80026 Casoria, Naples, Italy. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. L. Werth, ACE-109, FAA, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: The manufacturer has reported finding several instances of improper torqueing of the AN4-6A bolts which attach the stabilator torque tube bracket to the fuselage frame on Partenavia Costruzioni Aeronautiche S.p.A. Models P68, P68B, P68C, P68C-TC and P68 Observer airplanes. This was discovered during production final inspections. The FAA has received no such reports on aircraft in service in the United States. This condition could lead to loss of control of the stabilator. As a result, Partenavia has issued Service Bulletin No. 57 dated March 7, 1983, which requires a torque check of these AN4-6A bolts. The Registro Aeronautico Italiano (RAI) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy has classified this Service Bulletin and the action recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes by issuing RAI Telegraphic AD No. 83-3. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the RAI combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Partenavia Service Bulletin No. 57 dated March 7, 1983, and the mandatory classification of this Service Bulletin by the RAI and RAI Telegraphic AD No. 83-3.

Based on the foregoing, the FAA has determined that the condition addressed by these two documents is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States. Therefore, an AD is being issued requiring a torque check, and correction if necessary, of the AN4-6A bolts which attach the stabilator torque tube brackets to the fuselage frame on certain Partenavia Models P68, P68B, P68C, P68C-TC, and P68 Observer airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator,

§ 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Partenavia Construzioni Aeronautiche S.p.A.: Applies to Models P68, P68B, P68C, P68C-TC and P68 Observer (all serial numbers (S/N) up to S/N 289, excluding S/Ns 234, 256, 259, 269, and 288) airplanes certificated in any category.

Compliance: Required within 50 hours time-in-service from the effective date of this AD, unless already accomplished.

To preclude loosening of the stabilator support brackets, accomplish the following:

(a) Check and correct, if necessary, the torque of the AN4-6A bolts which attach the horizontal stabilator torque tube support Brackets to the fuselage frame (ref. Parts Catalog P68B, Figure No. 5.2, Item No. 33; or Parts Catalog P68C, Figure No. 5.3, Item No. 36).

Note.—The correct torque value for these bolts is 0.9 to 0.950 Kpm; 78 to 83 in. lbs.

(b) Aircraft may be flown in accordance with Federal Aviation Regulation § 21.197 to a location where this AD can be accomplished.

(c) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

Partenavia Service Bulletin No. 57 dated March 7, 1983, covers the subject matter of this AD.

This amendment becomes effective on August 4, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); § 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on July 19, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-20183 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-AGL-4]

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal Action is to Designate Controlled Airspace near Motley, Minnesota, to accommodate a new instrument approach procedure into Morey Fish House Airport, Motley, Minnesota, established on the basis of a request from the Morey Fish House Airport officials to provide that facility with instrument approach capability utilizing the Brainerd, Minnesota VORTAC.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions in controlled airspace.

EFFECTIVE DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automatic Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

History

On page 24091 of the **Federal Register** dated May 31, 1983, the FAA proposed to amend § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to establish a new 700-foot controlled airspace transition area near Motley, Minnesota. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., September 29, 1983, as follows:

Motley, MN

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Morey Fish House Airport (latitude 46°19'30" N., longitude 94°38'25" W.) within 4.75 miles each side of the 267° radial from the Brainerd VOR, extending from the 5-mile radius to 16.5 miles west of the airport, excluding that portion within the Staples, Minnesota, transition area.

(Sec. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983))

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

Issued in Des Plaines, Illinois, on July 14, 1983.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 83-20183 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-ASW-19]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area: Granbury, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Granbury, TX. The

intended effect of the amendment is to provide controlled airspace for aircraft executing a new standard instrument approach procedure (SIAP) to the Granbury Municipal Airport. This amendment is necessary since there is a proposed change to the SIAP which approaches from the west using the Acton VORTAC.

EFFECTIVE DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877-2630.

SUPPLEMENTARY INFORMATION:

History

On May 26, 1983, a notice of proposed rulemaking was published in the **Federal Register** (48 FR 20241) stating that the Federal Aviation Administration proposed to alter the Granbury, TX, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. No comments were received. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181, of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3A dated January 3, 1983, is amended, effective 0901 G.m.t., September 29, 1983, as follows:

Granbury, TX [Revised]

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Granbury Municipal Airport (latitude 32°26'33"N., longitude 97°49'00"W.).

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.61(c))

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

Issued in Fort Worth, TX, on July 14, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83-20071 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-AGL-5]

Alteration of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a new segment of VOR Federal Airway V-128. This new airway is a major facet of a forthcoming restructuring of the Chicago O'Hare, IL, metropolitan traffic flow.

EFFECTIVE DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Neil Saunders, Airspace and Air Traffic Rules Branch (ATT-230), Airspace-Rules and Aeronautical Information Divison, Air Traffic Service, Federal Aviation Administration, 800 Independence, Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On May 23, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a new segment of VOR Federal Airway V-128 between Rockford, IL, VORTAC and Peotone, IL, VORTAC (48 FR 22935). The new airway is a major facet of a forthcoming restructuring of the Chicago O'Hare, IL, metropolitan traffic flow. The airway provides a low altitude bypass route around the O'Hare Terminal Control Area. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations establishes a new segment of VOR Federal Airway V-128. This new airway is a major facet of a forthcoming restructuring of the Chicago O'Hare, IL, metropolitan traffic flow.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), is amended, effective 0901 G.m.t., September 29, 1983, as follows:

V-128 [Amended]

By deleting the words "Peotone, IL," and substituting "Rockford, IL, via INT Rockford 154° and Peotone, IL, 281° radials; Peotone,"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.69)

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

Issued in Washington, D.C., on July 21, 1983.

John E. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-20406 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AWP-22]

Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of several airways in the vicinity of Los Angeles, CA, by deleting alternate airway segments and renumbering other airway segments. This action supports our agreement with the International Civil Aviation Organization (ICAO) to eliminate all alternate airway designations from the National Airspace System.

EFFECTIVE DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On March 17, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the descriptions of several airways in the vicinity of Los Angeles, CA, by deleting the alternate route segments (48 FR 11287). Those alternate routes required for air traffic control have been assigned new numbers. This action supports our agreement with ICAO to eliminate all alternate route designations from our National Airspace System. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Except for minor editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the descriptions of several airways in the vicinity of Los Angeles, CA, by deleting alternate airway segments and renumbering other airway segments. This action supports our agreement with ICAO to eliminate all alternate airway designations from the National Airspace System.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., September 29, 1983, as follows:

V-264 [Amended]

By deleting the words "Twentynine Palms, CA, including a S alternate from Los Angeles to Twentynine Palms via Paradise, CA, and Palm Springs, CA; 17 miles, 28 miles 55 MSL," and substituting the words "Twentynine Palms, CA;"

V-370 [New]

From Los Angeles, CA, via Paradise, CA; Palm Springs, CA; to Twentynine Palms, CA.

V-16 [Amended]

By deleting the words "Palm Springs, CA, including a S alternate from Los Angeles via Los Angeles 138° and Seal Beach, CA; 287° radials; Seal Beach; March, CA; INT March 068° Palm Springs 273° radials; to Palm Springs; Blythe, CA; 21 miles, 60 miles, 55 MSL, Buckeye, AZ;" and substituting the words "Palm Springs, CA; Blythe, CA; Buckeye, AZ;

V-372 [New]

From Seal Beach, CA, via March, CA; INT March 068° and Palm Springs, CA, 273° radials; Palm Springs; to Blythe, CA.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.69)

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

Issued in Washington, D.C., on July 21, 1983.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-20408 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-AWA-11]

Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of several VOR Federal airways in the vicinity of Denver, CO, by deleting alternate airways segments and renumbering other airway segments. This action supports our agreement with the International Civil Aviation Organization (ICAO) to eliminate all alternate airway descriptions from the National Airspace System.

EFFECTIVE DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On April 25, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the descriptions of several VOR Federal airways in the vicinity of Denver, CO, by deleting the alternate route segments (48 FR 17601). In addition, those alternate routes required for air traffic control will be renumbered. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice except the description of V-26 has been changed to include Montrose, CO, and Gunnison, CO, formerly titled V-484S. Also, V-421 has been omitted from this final action. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the descriptions of several VOR Federal airways in the vicinity of Denver, CO, by deleting alternate airway segments and renumbering other airway segments. This action supports our agreement with ICAO to eliminate all alternate airway descriptions from the National Airspace System.

List of Subjects in 14 CFR Part 71

Aviation safety VOR Federal Airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as amended (48 FR 6101) is further amended, effective 0901 G.m.t., September 29, 1983, as follows:

V-8 [Amended]

By deleting the words "Akron, CO; Hayes Center, NE, including a north alternate via INT Akron 063° and Hayes Center 276° radials and also a south alternate via INT Akron 094° and Hayes Center 246° radials; Grand Island, NE, including a N alternate via INT Hayes Center 059° and Grand Island 273° radials, and also a S alternate; Omaha, NE;" and substituting the words "Akron, CO; Hayes Center, NE; Grand Island, NE; Omaha, NE;"

V-26 [Amended]

By deleting the words "From Grand Junction, CO; via" and substituting the words "From Gunnison, CO, via Montrose, CO; 13 miles, 112 MSL 131 MSL," and by deleting the words "Philip, SD; 56 miles, 35 MSL, Pierre, SD, including a north alternate; Huron, SD;" and substituting the words "Philip, SD; Pierre, SD; Huron, SD;"

V-200 [Amended]

By deleting the words "Meeker, CO; 37 miles, 26 miles, 140 MSL, 130 MSL, to Kremmling, CO, including a N alternate via Hayden, CO." and substituting the words "Meeker, CO; to Kremmling, CO."

V-220 [Amended]

By deleting the words "From Kremmling, CO." and substituting the words "From Meeker, CO; Hayden, CO; Kremmling, CO;"

V-211 [Amended]

By deleting the words "to Cortez, including a W alternate via INT Durango 249° and Cortez 150° radials." and substituting the words "to Cortez."

V-484 [Amended]

By deleting the words "Gunnison, CO, including a south alternate from Grand Junction to Gunnison via Montrose, CO; 13 miles, 112 MSL, 131 MSL" and substituting the words "Gunnison, CO;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)), (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.69)

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

Issued in Washington, D.C., on July 22, 1983.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-20410 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-AWA-4]

Alteration of VOR Federal Airways—Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This amendment corrects the descriptions of V-72 and V-447 airways in the vicinity of Montpelier, VT, VORTAC. The Montpelier VORTAC has been relocated approximately 9 miles southeast of the present location. This action corrects the descriptions of all airways affected by the relocation.

EFFECTIVE DATE: August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On June 9, 1983, a Final Rule was published in the **Federal Register** that altered the descriptions of all airways that were affected by the relocation of the Montpelier, VT, VORTAC (48 FR 26594). A technical error was discovered in the description of V-72 and V-447 and this action corrects these errors.

List of Subjects in 14 CFR Part 71

Aviation Safety, VOR airways.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 83-15342, as published in the **Federal Register** on June 9, 1983 (48 FR 26594), is redescribed as follows:

V-72 [Amended]

By deleting all the words after "Cambridge, NY;" and substituting for them the words "INT Cambridge 063° and Lebanon, NH, 214° radials; to Lebanon."

V-447 [Revised]

From Cambridge, NY, via INT Cambridge 025° and Montpelier, VT, 221° radials; Montpelier; to Sherbrooke, PQ, Canada. The airspace within Canada is excluded.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.69)

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

Issued in Washington, D.C., on July 21, 1983.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-20403 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-AWA-12]

Alteration of VOR Federal Airways; Albuquerque, NM, Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule redesignates segments of VOR Federal Airways V-19, V-60, V-68, V-83, V-187, V-263 and V-291, revokes segments of V-19, V-68, and V-83, and establishes a new V-389 to enhance the traffic flow within the Albuquerque Air Route Traffic Control Center (ARTCC) area.

EFFECTIVE DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Boyd V. Archer, Airspace and Air Traffic Rules Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On May 23, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to renumber V-19E between Cimarron, NM, and Pueblo, CO; renumber V-68S between Roswell, NM, and Hobbs, NM; renumber V-68N and V-83E between Roswell, NM, and Corona, NM; renumber V-60S between Otto, NM, and Albuquerque, NM; renumber V-68N between Corona, NM, and Albuquerque, NM; renumber V-19W between Albuquerque, NM, and Santa Fe, NM; renumber V-187E between Albuquerque, NM, and Farmington, NM; realign V-263 between Albuquerque, NM, and Cimarron, NM; renumber V-291N between Albuquerque, NM, and Gallup, NM; revoke V-68S between Corona, NM, and Albuquerque, NM, to enhance the traffic flow within the Albuquerque ARTCC's area (48 FR 22934). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No comments objecting to the notice were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations redesignates segments of VOR Federal Airways V-19, V-60, V-68, V-83, V-187, V-263, and V-291, revokes segments of V-19, V-68, and V-83, and establishes a new V-389 to enhance the traffic flow within the Albuquerque ARTCC's area.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal Airway.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.M.T., September 29, 1983, as follows:

V-19 [Amended]

By deleting the words ", including a west alternate via INT Albuquerque 019° and Santa Fe 268° radials" and ", including an E alternate via INT Cimarron 053° and Pueblo 176° radials"

V-68 [Amended]

By deleting the words ", including an N alternate via INT Albuquerque 103° and Corona 328° radials and also a S alternate via INT Albuquerque 160° and Corona 278° radials; 41 miles 85 MSL, Roswell, NM, including an N alternate 85 MSL INT Corona 124° and Roswell 335° radials, Roswell; Hobbs, NM, including a S alternate;" and substituting the words "; 41 miles 85 MSL, Roswell, NM; Hobbs, NM, via" and by deleting the words "From Albuquerque, NM," and substituting the words "From Farmington, NM, via INT Farmington 128° and Albuquerque, NM, 345° radials; Albuquerque;"

V-60 [Revised]

From Gallup, NM, via INT Gallup 089° and Albuquerque, NM, 303° radials; Albuquerque, via INT Albuquerque 103° and Otto, NM, 253° radials; Otto; to Las Vegas, NM.

V-83 [Amended]

By deleting the words ", including an E alternate INT Roswell 335° and Corona 124° radials, 85 MSL Corona; Otto, NM"

V-187 [Amended]

By deleting the words "including an E alternate via INT Albuquerque 345° and Farmington 128° radials;"

V-291 [Amended]

By deleting the words "From Albuquerque, NM" and substituting the words "From Hobbs, NM, via INT Hobbs 287° and Roswell, NM, 136° radials; Roswell, via INT Roswell 335° and Corona, NM, 124° radials; Corona, via INT Corona 328° and Albuquerque, NM, 103° radials; Albuquerque" and by deleting the words ", including a north alternate via INT Albuquerque 303° and Gallup 089° radials"

V-263 [Amended]

By deleting the words "From Cimarron, NM," and substituting the words "From Albuquerque, NM, via INT Albuquerque 019° and Santa Fe, NM, 268° radials; Santa Fe; Las Vegas, NM; Cimarron, NM;"

V-389 [Amended]

From Cimarron, NM, via INT Cimarron 053° and Pueblo, CO, 176° radials; Pueblo.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.69)

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

Issued in Washington, D.C., on July 21, 1983.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 83-20485 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-AWA-10]

Alteration of VOR Federal Airways; Minneapolis, MN, Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realign a segment of VOR Federal Airway V-161, extends V-246, renumbers V-410 and V-347, and revokes V-418 to enhance the traffic flow within the Minneapolis Air Route Traffic Control Center's (ARTCC) area.

EFFECTIVE DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Neil Saunders, Airspace and Air Traffic Rules Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On May 2, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign V-161 between Gopher, MN, and Rochester, MN; renumber V-410 between Gopher, MN, and Eau Claire, WI, to V-413; renumber V-347 between Ironwood, MI, to Houghton, MI, to V-148; revoke V-418 from Gopher, MN, to Nodine, MN; and extends V-246 between Dubuque, IA, and La Crosse, WI (48 FR 19739), to enhance the traffic flow within the Minneapolis ARTCCs area. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice, except inadvertently, the extension to V-246 was omitted from the Notice and we are including the amended description of V-246 at this time. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations realigns a segment of VOR Federal Airway V-161, extends V-246, renumbers V-410 and V-347, and revokes V-418 to enhance the traffic flow within the Minneapolis ARTCCs area.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

Accordingly pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), is amended, effective 0901 G.m.t., September 29, 1983, as follows:

V-161 [Amended]

By deleting the words "INT Rochester 005° and Gopher, MN 144° radials, Gopher" and substituting for them the words "Farmington, MN; Gopher, MN."

V-410 [Revoked]

V-418 [Amended]

V-347 [Revoked]

V-413 [Amended]

By deleting the words "From Gopher, MN;" and substituting the words "From Eau Claire, WI; INT Eau Claire 269° and Gopher, MN, 109° radials; Gopher; INT"

V-148 [Amended]

By deleting the words "to Ironwood, MI" and substituting for them the words "Ironwood, MI; to Houghton, MI"

V-246 [Amended]

By deleting the words "From Nodine, MN," and substituting the words "From Dubuque, IA, via Waukon, IA; La Crosse, WI; Nodine, MN;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.69)

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

Issued in Washington, D.C., on July 21, 1983.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-20407 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-13-M

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41 CFR Part 71

[Airspace Docket No. 83-AWA-14]

VOR Federal Airway; Realignment of V-436

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule realigns VOR Federal Airway V-436 between Oklahoma City and Tulsa, OK, so the airway will be in the Kansas City Air Route Traffic Control Center's (ARTCC) airspace.

EFFECTIVE DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Boyd V. Archer, Airspace and Air Traffic Rules Branch (ATT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On May 23, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign VOR Federal Airway V-436 to the north, so the airway will be in Kansas City ARTCC's airspace thereby reducing coordination (48 FR 22936). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations realigns VOR Federal Airway V-436 between Oklahoma City and Tulsa, OK, so the airway will be in the Kansas City ARTCC's airspace.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), is amended, effective 0901 G.m.t., September 29, 1983, as follows:

V-436 [Amended]

By deleting the words "INT Oklahoma City 079° and Tulsa, OK, 228° radials" and substituting for them the words "INT Oklahoma City 074° and Tulsa, OK, 230° radials"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.69)

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

Issued in Washington, D.C., on July 21, 1983.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-20404 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 75

[Airspace Docket No. 83-AWA-9]

Alteration of VOR Federal Airways and Jet Routes, Minneapolis, MN, Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments revoke several VOR Federal Airways in the vicinity of Minneapolis, MN, realign Jet Routes J-30 and J-113, and realign V-510 to enhance the traffic flow within the Minneapolis Air Route Traffic Control Center's (ARTCC) area.

EFFECTIVE DATE: September 29, 1983.

FOR FURTHER INFORMATION CONTACT: Neil Saunders, Airspace and Air Traffic Rules Branch (AAT-230), Airspace—Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On May 5, 1983, the FAA proposed to amend Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to: (1) Revoke V-13E between Duluth, MN, and Grantsburg, MN; (2) revoke V-414 from Alexandria, MN, to Gopher, MN; (3) revoke V-416 from Alexandria, MN to Gopher, MN; (4) revoke J-30 between Farmington, MN, and Nodine, MN; (5) revoke J-113 between Gopher, MN, and Dubuque, IA; and (6) realign V-510 between Alexandria, MN, and Gopher, MN (48 FR 20241), to enhance the traffic flow within the Minneapolis ARTCC's area. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations were republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

These amendments to Parts 71 and 75 of the Federal Aviation Regulations revoke VOR Federal Airways V–13E between Grantsburg, MN, and Duluth, MN, revoke V–414, and V–416; realign Jet Routes J–30 and J–113, and realign V–510 to enhance the traffic flow within the Minneapolis ARTCC's area.

List of Subjects in 14 CFR Parts 71 and 75

Aviation safety, VOR Federal Airways and jet routes.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, § 71.123 and § 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) are amended, effective 0901 G.m.t., September 29, 1983, as follows:

1. V–13 [Amended]

By deleting the words "Duluth, MN, including an E alternate; 36 miles, 35 MSL, Thunder Bay, ON, Canada." and substituting them for the words "Duluth, MN; to Thunder Bay, ON, Canada."

2. V–414 [Revoked]

3. V–416 [Revoked]

4. J–30 [Amended]

By deleting the words "Farmington, MN, via Nodine, MN; Joliet, IL," and substituting for them the words "Joliet, IL, via"

5. J–113 [Amended]

By deleting the words "via Dubuque, IA, INT Dubuque 306° and Gopher 155° radials, to Gopher, MN." and substituting for them the words "to Dubuque, IA."

6. V–510 [Amended]

By deleting the words "Alexandria; Gopher, MN;" and substituting the words "Alexandria; INT Alexandria 110° and Gopher, MN, 321° radials, Gopher;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.69)

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

Issued in Washington, D.C., on July 21, 1983.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83–20409 Filed 7–27–83; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–19988; File No. S7–952]

Application of Rule 13e–4 to a Certain Type of Issuer Tender Offer

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting amendments to Rule 13e–4 under the Securities Exchange Act of 1934. Rule 13e–4 regulates cash tender offers and exchange offers by issuers for their equity securities. The amendments to Rule 13e–4 except from the application of the rule tender offers by issuers to purchase shares from their security holders—exclusive of participants in an issuer's stock purchase, dividend reinvestment, or similar plan—who own a specified number of shares that is less than one hundred as of a specified date prior to the announcement of the offer. The Commission has determined that these tender offers generally do not present the potential for fraud or manipulative abuse addressed by the rule. The Commission is also adopting a companion amendment to Rule 13e–3 under the Securities Exchange Act of 1934.

EFFECTIVE DATE: July 28, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth B. Orenbach (202–272–7391) or Deren E. Manasevit (202–272–7376), Office of Legal Policy and Trading Practices, Division of Market Regulation, Securities and Exchange Commission, 450 5th Street, NW, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

I. Background

The Securities and Exchange Commission is adopting amendments to Rule 13e–4 (the "Rule") under the Securities Exchange Act of 1934 (the "Act").[1] These amendments were published for coment on November 17, 1982.[2]

In August 1979, the Commission adopted the Rule and related Schedule 13E–4, which regulate cash tender offers and exchange offers by issuers for their equity securities.[3] The Rule and Schedule are patterned substantially on the regulatory scheme established by Sections 14(d) and 14(e) of the Act and the rules promulgated thereunder relating to third party tender offers.[4]

One type of issuer tender offer is an offer to purchase the shares of Security holders who own a specified number of shares that is less than one hundred ("Odd-lot Offer"). Generally, the purpose of an Odd-lot Offer is to reduce the disproportionately high costs to the issuer of servicing large numbers of small shareholders accounts and to enable those shareholders to dispose of their securities without incurring the brokerage fees that normally attend odd-lot transactions. In light of their limited purpose and the fact that they are not characterized by large premiums or significant market impact, Odd-lot Offers present minimal potential for fraud and manipulation.

As noted in the Proposing Release, the Commission currently grants exemptions from the Rule to permit issuers to make Odd-lot Offers without complying with the filing and dissemination requirements of the Rule.[5] In the majority of cases, however, the Commission has continued to require that such offers comply with the substantive provisions of the Rule. These provisions, contained generally in

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[1] The Commission is also adopting a companion amendment to Rule 13e–3 under the Act.

[2] *See* Securities Exchange Act Release No. 34–19246 (November 17, 1982), 47 FR 53398 ("Proposing Release").

[3] *See* Securities Exchange Act Release No. 34–16112 (August 16, 1979), 44 FR 49406. The Rule was proposed for public comment in Securities Exchange Act Release No. 34–14234 (December 8, 1977), 42 FR 63066.

[4] *See* Rules 14d–1 through 14d–9 and 14e–1 through 14e–3, 17 CFR 240.14d–1—14d–9 and 240.14e–1—14e–3.

[5] Paragraph (c) of the Rule requires that the issuer making a tender offer file with the Commission ten copies of a Schedule 13E–4 in connection with its offer, while paragraph (d)(1)(iv) requires dissemination to all eligible participants of the information contained in the Schedule or a fair and adequate summary thereof.

In addition to a five percent limit on the number of shares to be purchased, the Division of Market Regulation, which administers the Rule, has required that an issuer making an Odd-lot Offer exempted from the Rule disseminate to shareholders a letter containing the following information.

a. the terms and purpose of the Odd-lot Offer;

b. instructions for obtaining, at the issuer's expense, the information required by paragraph (d)(1)(iv) of the Rule; and

c. a letter of transmittal pursuant to which odd-lot holders may tender their securities.

paragraph (f), require an issuer, among other things, to leave a tender offer open for a minimum period of time;[6] grant tendering security holders certain withdrawal rights;[7] pays any increase in consideration to holders whose securities have already been accepted for payment[8] and refrain from purchasing the security that is the subject of the tender offer and certain related securities for ten business days after the date of termination of the tender offer.[9] In addition, Odd-lot Offers are subject to the general antifraud and anti-manipulative provisions of the federal securities laws.[10]

In the Proposing Release, the Commission recommended amendments to the Rule to except Odd-lot Offers from the provisions of the Rule, including its filing, disclosure and substantive requirements. The amendments would have required that an issuer extend Odd-lot Offers to all beneficial and record holders of the specified number of shares as of a record date prior to the announcement of the Odd-lot Offer.

II. Discussion

The Commission continues to believe generally that odd-lot offers do not require the substantive and procedural protections of the Rule, and has amended the Rule consistent with the proposal with certain modifications.[11] As more fully discussed in the Proposing Release, and odd-lot holder's primary incentive to tender into an odd-lot offer is to avoid the brokerage fees normally charged for odd-lot transactions. Since odd-lot offers do not occur in contested situations and are not used as defensive tactics in response to third party tender offers, odd-lot holders are not pressured to act in haste, and there is little reason for odd-lot holders to withdraw securities previously tendered. In addition, the minimum time periods have little relevance in the context of an odd-lot offer.

Commentators unanimously endorsed the view that odd-lot offers do not present the potential for fraud or manipulative abuse addressed by the Rule, and supported excepting odd-lot offers from the application of the Rule.[12] Some commentators objected to the proposed requirement that odd-lot offers be extended to beneficial holders to qualify for an exception to the Rule. Of particular concern to many of these commentators was the requirement implicit in the Proposing Release that odd-lot offers be extended to participants in profit sharing plans, dividend reinvestment plans and other employees or shareholder benefit plans. They argued that reducing servicing costs to issuers and eliminating brokerage fees for shareholders are not relevant considerations in the context of such plans. Moreover, such plans are designed to encourage shareholders to continue to invest in a company, an objective that is inconsistent with the desire that underlies most odd-lot offers—to eliminate small shareholder accounts.

The Commission continues to believe that it is important to prevent unreasonable discrimination among holders of the class of securities subject to a tender offer, including an odd-lot offer. The requirement that odd-lot offers be extended to beneficial as well as record holders is designed to protect beneficial holders who might otherwise be excluded from the opportunity to participate in an odd-lot offer. Accordingly, the Commission has decided to retain the requirement that odd-lot offers excepted from the Rule be extended to beneficial as well as record holders. As suggested by some commentators, however, participants in employee or shareholder stock purchase plans will be excluded from this requirement.[13] Issuers that engage in an odd-lot offer excepted from the Rule will therefore not be required to extend such offers to participants in any such plan.[14]

In addition, for the reasons articulated in the Proposing Release, the Commission has decided to retain in the Rule as adopted the requirement that an issuer making an Odd-lot Offer set a record date prior to announcement of the offer to determine the eligibility of a security holder to participate in the offer.[15]

Finally, the Commission observed in the Proposing Release that, in a small number of situations, an Odd-lot Offer may also constitute a going private transaction subject to Rule 13e-3 under the Act.[16] The Commission determined, in adopting Rule 13e-3, that it was not necessary to subject tender offers covered by Rule 13e-4 to the 20 day pre-purchase dissemination requirement specified by Rule 13e-3 because Rule 13e-4 tender offers were subject to a similar protected period by operation of the withdrawal provisions of paragraph (f) of the Rule.[17]

In the Proposing Release the Commission noted, however, that, as a consequence of excepting Odd-lot Offers from the operation of the Rule, Odd-lot Offers that are also Rule 13e-3 transactions would become subject to the 20 day pre-purchase dissemination requirement contained in paragraph (f)(1)(i)(A) of Rule 13e-3. Commentators were requested to consider whether it was appropriate to subject Odd-lot Offers that are Rule 13e-3 transactions to that provision.[18]

The Commission has determined that it is not necessary to extend the delay period during which purchases cannot be effected beyond that previously afforded by the withdrawal provisions of paragraph (f) of Rule 13e-4. Thus, the Commission has decided to retain a 10 business day period for Odd-lot Offers excepted for the Rule that are also Rule 13e-3 transactions. The Commission has amended Rule 13e-3(f)(1) to provide that, in the case of Odd-lot Offers excepted from the Rule, the information required by Rule 13e-3 shall be disseminated in accordance with

[6] 17 CFR 240.13e-4(f)(1).

[7] 17 CFR 240.13e-4(f)(2).

[8] 17 CFR 240.13e-4(f)(4).

[9] 17 CFR 240.13e-4(f)(6).

[10] Sections 9(a), 10(b) and 14(e) of the Act and Section 17(a) of the Securities Act of 1933 prohibit the use of manipulative or deceptive acts or contrivances in connection with various securities transactions.

[11] The amendments also make a clarifying change to paragraph (f)(3)(i) of the Rule deleting reference to acceptance procedures in connection with odd-lot offers.

[12] Ten comments were received with respect to the proposed amendments. File No. S7-952 contains these public comment letters as well as a Summary of Comments prepared by the staff of the Commission.

[13] For purposes of this exclusion, the term "plan" will have the same definition as that term in Rule 10b-6 under the Act. *See* 17 CFR 240.10b-6(c)(4).

[14] As issuer would nevertheless be required to extend the odd-lot offer to any shares held independently of any such plan by a participant in the plan, and a participant's plan shares would not be counted in determining whether the participant's independently held shares were of a sufficiently small number to qualify for the odd-lot offer.

[15] An issuer that chooses not to use a record date in connection with an offer to odd-lot holders will not be prohibited from making that offer. Such an offer, however, will remain fully subject to the Rule and the issuer will be required either to obtain an exemption from the Rule or to comply fully with all provisions of the Rule. In addition, the amendments to the Rule will not affect the application of section 23(c) of the Investment Company Act of 1940 and Rule 23c-1 promulgated thereunder, 17 CFR 270.23c-1, to closed-end investment companies that purchase for cash any securities of which they are the issuer.

One of the commentators recommended that the Commission amend Rules 10b-6 and 10b-13 to exempt Odd-lot Offers from the operation of those rules. The Commission has determined instead to allow the staff to consider requests for relief from such rules on a case-by-case basis.

[16] *See* Proposing Release, 47 FR at 53400, n.24.

[17] Paragraph (f) of Rule 13e-4 provides a 10 business day period during which purchases pursuant to the Rule cannot be effected.

[18] The Commentators that addressed this question suggested that it was not appropriate to subject such offers to a 20 day pre-purchase dissemination period.

paragraph (e) of Rule 13e-4 no later than 10 business days prior to any purchases pursuant to the Odd-lot Offer.[19]

III. Regulatory Flexibility Act Considerations

The Chairman of the Commission certified in connection with the Proposing Release that the proposed amendments to Rule 13e-4, if adopted, would not have a significant impact on a substantial number of small entities. None of the comments addressed the certification.

IV. Effects on Competition and Other Findings

Section 23(a)(2) of the Act[20] requires the Commission, in adopting rules under the Act, to consider the anti-competitive effect of such rules, if any, and to balance any impact against the regulatory benefits gained in terms of furthering the purposes of the Act. The Commission has considered the amendments to Rules 13e-3 and 13e-4 in light of the standards cited in Section 23(a)(2) and believes, for the reasons stated herein, that adoption of the amendments will not impose any burden on competition not necessary or appropriate in furtherance of the Act.

The Commission finds, in accordance with the Administrative Procedure Act,[21] that the adoption of the amendments to Rules 13e-3 and 13e-4 relieve mandatory restrictions and are exemptive in nature. Accordingly, the foregoing action becomes effective immediately.

List of Subjects in 17 CFR 240

Reporting and recordkeeping requirements, Securities.

V. Statutory Basis And Text of Rule Amendments

The amendments to Rules 13e-3 and 13e-4 are adopted pursuant to Sections 3(b), 9(a)(6), 10(b), 13(e), 14(e) and 23(a) of the Act, 15 U.S.C. 78c(b), 78i(a), 78j(b), 78m(e), 78n(e) and 78w(a). In accordance with the foregoing, Part 240 of Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

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

1. By amending § 240.13e-3 by revising paragraph (f)(1)(i)(A) as follows:

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

* * * * *

(f) * * *

(1) * * *

(i) * * *

(A) In accordance with the provisions of any applicable Federal or State law, but in no event later than 20 days prior to: any such purchase; any such vote, consent or authorization; or with respect to the distribution of information statements, the meeting date, or if corporate action is to be taken by means of the written authorization or consent of security holders, the earliest date on which corporate action may be taken: *Provided, however,* That if the purchase subject to this section is pursuant to a tender offer excepted from Rule 13e-4 by paragraph (g)(5) of Rule 13e-4, the information required by paragraph (e) of this section shall be disseminated in accordance with paragraph (e) of Rule 13e-4 no later than 10 business days prior to any purchase pursuant to such tender offer.

* * * * *

2. By amending § 240.13e-4 by revising paragraph (f)(3)(i), deleting the word "or" at the end of paragraph (g)(4), adding a new paragraph (g)(5), and redesignating current paragraph (g)(5) as (g)(6), to read as follows:

§ 240.13e-4 Tender offers by issuers.

* * * * *

(f) * * *

(3) * * *

(i) Accepting all securities tendered by persons who own, beneficially or of record, an aggregate of not more than a specified number which is less than one hundred shares of such security and who tender all their securities, before prorating securities tendered by others; or

* * * * *

(g) * * *

(5) Offers to purchase from security holders who own an aggregate of not more than a specified number of shares that is less than one hundred: *Provided, however,* That the offer is made to all record and beneficial holders (other than participants in an issuer's plan, as that term is defined in Rule 10b-6(c)(4) under the Act [§ 240.10b-6(c)(4)], if the issuer elects not to extend the offer to such participants) who own that number of shares as of a specified date prior to the announcement of the offer; or

* * * * *

By the Commission.

George A. Fitzsimmons,

Secretary.

July 21, 1983.

[FR Doc. 83-20459 Filed 7-27-83; 8:45 am]

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[19] In the case of an Odd-lot Offer that is also a Rule 13e-3 transaction, the Rule requires that the obligatory disclosure be disseminated to *all* shareholders, including those shareholders holding more than the number of shares specified by the Odd-lot Offer.

[20] 15 U.S.C. 78w(a)(2).

[21] 5 U.S.C. 553(d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 2

[Docket Nos. RM83-21-000, RM83-21-001, RM83-21-002]

Interpretation of Authority to Suspend Initial Rate Schedules

July 21, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order granting rehearing solely for the purpose of further consideration.

SUMMARY: The Federal Energy Regulatory Commission is issuing an order granting limited rehearing on two applications filed with respect to the Commission's final rule interpreting its suspension authority over initial rates. Rehearing is granted solely to allow the Commission sufficient time for further consideration of the applications. The order does not constitute a grant or denial of any application on its merits, either in whole or in part.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Malloy, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 357-8033.

Interpretation of Authority to Suspend Initial Rate Schedules; Docket Nos. RM83-21-000, RM83-21-001, RM83-21-002.

Order Granting Rehearing for Purpose of Further Consideration

On May 24, 1983, the Federal Energy Regulatory Commission (Commission) issued a final interpretive rule (48 FR 24358; June 1, 1983) which revised the Commission's interpretation of its authority both to suspend initial rate schedules under section 205 of the Federal Power Act (FPA) and section 4 of the Natural Gas Act (NGA), and to establish interim rates during the suspension period if necessary. This rule is a codification of the Commission's holding in *Middle South Energy, Inc.*, Docket No. ER82-66-001, 23 FERC ¶ (May 24, 1983). In that case the Commission concluded that neither the FPA nor the NGA prohibit the Commission from suspending initial rate

schedules, establishing interim rates during the suspension period, and establishing contingent refund obligations.

The Commission has received timely petitions for rehearing of this final rule from Middle South Energy, Inc. (Docket No. RM83-21-002), and Tennessee Gas Pipeline Company, (Docket No. RM83-21-001). To have sufficient time to consider the issues raised in these petitions, the Commission will grant rehearing of the final rule solely for the purpose of such further consideration. This action does not constitute a grant or denial of any petition on its merits, either in whole or part. As provided in section 385.713 of the Commission's Rules of Practice and Procedure (18 CFR 385.713), no answers to these petitions will be entertained by the Commission because this order does not grant rehearing on any substantive issue.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20423 Filed 7-27-83; 8:45 am]

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18 CFR Part 271

[Docket No. RM79-76-142; Texas-10 Addition II; Order No. 317]

Natural Gas Policy Act; High-Cost Gas Produced From Tight Formations; Texas

Issued: July 22, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (Supp. V 1982), to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703 (1982)). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that an additional area of the Edwards Limestone Formation, located in Live Oak County, Texas, be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective August 22, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Ross, (202) 357-8571, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations (18 CFR 271.703(d) (1982)) to include an additional area of the Edwards Limestone Formation as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued November 1, 1982, 47 FR 50202 (November 5, 1982) [1] based on a recommendation by the Railroad Commission of Texas (Texas), in accordance with § 271.703, that an additional area of the Edwards Limestone Formation, located in Live Oak County, Texas be designated as a tight formation.

Evidence submitted by Texas supports the assertion that an additional area of the Edwards Limestone Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective August 22, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Code of Federal Regulations, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(48)(iii) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) Designated tight formations.

* * * * *

(48) *Edwards Limestone Formation in Texas. RM79-76 (Texas-10).*

* * * * *

(iii) *Live Oak County.*

(A) *Delineation of formation.* The Edwards Formation is found to the north of the City of Three Rivers in Live Oak County, Texas, Railroad Commission District 2. The designated area is bounded on the south by the Frio River and includes the following surveys: Mrs. M. D. Proctor A-904, A. E. Brown A-828, John Hefferman A-11, Bridget Haughey A-9, Thos. Henry A-13, Partick Henry A-12, Simon Ryan A-35, Lewis Ayers A-2, Walter Henry A-15, Daniel O'Boyle A-32, Mark Killely A-20, S. M. & S. A. A-442, S. M. & S. A. A-443, Lawrence Jacobs A-659, and G. H. & H. R. R. A-205.

(B) *Depth.* The top of the Edwards Formation varies in depth from approximately 12,000 feet subsea on the eastern side of the designated area to 14,000 feet subsea on the west side.

[FR Doc. 83-20335 Filed 7-27-83; 8:45 am]

BILLING CODE 6717-01-M

[1] Comments and requests for a public hearing were invited and none were received by the Commission in this docket.

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18 CFR Part 271

[Docket No. RM80-53]

Natural Gas Policy Act; Maximum Lawful Prices

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order of the Director, OPPR.

SUMMARY: Pursuant to the authority delegated by 18 CFR 375.307(1), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of August, September and October 1983. Section 101(b)(6) of the NGPA requires that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

EFFECTIVE DATE: August 1, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Director, OPPR, (202) 357-8500.

Issued: July 22, 1983.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in Title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(1) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of August, September and October 1983 are issued by the publication of the price

tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103, 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior to August 1983 are found in the tables in §§ 271.101 and 271.102.

List of Subjects in 18 CFR Part 271

Natural gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

§ 271.101 [Amended]

1. Section 271.101(a) is amended by inserting the maximum lawful prices for August, September and October 1983 in Tables I and II.

TABLE I.—NATURAL GAS CEILING PRICES

[Other than NGPA §§ 104 and 106(a)]

Subpart of part 271	NGPA section	Category of gas	August 1983	September 1983	October 1983
		Maximum lawful price per MMBtu for deliveries in:			
B	102	New natural gas, certain OSC gas	$3.472	3.496	3.520
C	103	New, onshore production wells	2.803	2.814	2.825
F	106(b)(1)(B)	Alternative maximum lawful price for certain intrastate rollover gas.	1.601	1.607	1.613
G	107(c)(5)	Gas produced from tight formations	5.606	5.628	5.650
H	108	Stripper gas	3.720	3.746	3.772
I	109	Not otherwise covered	2.320	2.329	2.338

TABLE II.—NATURAL GAS CEILING PRICES: NGPA §§ 104 AND 106(a)

[Subpart D, Part 271]

Category of natural gas	Type of sale or contract	August 1983	September 1983	October 1983
	Maximum lawful price per MMBtu for deliveries made in:			
Post-1974 gas	All producers	$2.320	$2.329	$2.338
1973-1974 Biennium gas	Small producer	1.963	1.971	1.979
	Large producer	1.501	1.507	1.513
Interstate rollover gas	All producers	.861	.864	.867
Replacement contract gas or recompletion gas.	Small producer	1.103	1.107	1.111
	Large producer	.843	.846	.849
Flowing gas	Small producer	.556	.558	.560
	Large producer	.471	.473	.475
Certain Permian Basin gas	Small producer	.658	.661	.664
	Large producer	.579	.581	.583
Certain Rocky Mountain gas	Small producer	.658	.661	.664
	Large producer	.556	.558	.560
Certain Appalachian Basin gas	North subarea contracts dated after 10-7-69	.525	.527	.529
	Other contracts	.489	.491	.493
Minimum rate gas [1]	All producers	.287	.288	.289

[1] Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.

§ 271.102 [Amended]

2. Section 271.102(c) is amended by inserting the inflation adjustment for the months of August, September and October 1983 in Table III.

TABLE III.—INFLATION ADJUSTMENT

Month of delivery 1983	Factor by which price in preceding month is multiplied
August	1.00383
September	1.00383
October	1.00383

[FR Doc. 83-20337 Filed 7-27-83; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 282

[Docket No. RM 79-14]

Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA

Issued: July 22, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATES: August 1, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, (202) 357-8500.

SUPPLEMENTARY INFORMATION:

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to the mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of August 1983 is issued by the publication of a price table for the applicable month. *See* II FERC Stat. & Reg. ¶ 24,764.

List of Subjects in 18 CFR Part 282

Natural gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Calendar Year 1980												
Incremental pricing threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863	$1.877
NGPA section 102 threshold	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA section 109 threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130 percent of No. 2 fuel oil in New York City threshold	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.580
Calendar Year 1981												
Incremental pricing threshold	$1.891	$1.908	$1.925	$1.942	$1.954	$1.967	$1.980	$1.990	$2.000	$2.010	$2.025	$2.041
NGPA section 102 threshold	2.667	2.698	2.729	2.761	2.787	2.813	2.840	2.863	2.888	2.909	2.940	2.971
NGPA section 109 threshold	1.957	1.975	1.993	2.011	2.024	2.037	2.050	2.060	2.070	2.080	2.096	2.112
130 percent of No. 2 fuel oil in New York City threshold	7.610	7.760	8.260	9.010	9.510	9.430	9.360	9.260	8.860	8.700	8.930	8.990
Calendar Year 1982												
Incremental pricing threshold	$2.057	$2.071	$2.085	$2.099	$2.106	$2.113	$2.120	$2.129	$2.139	$2.149	$2.159	$2.169
NGPA section 102 threshold	3.003	3.033	3.063	3.093	3.112	3.132	3.152	3.176	3.200	3.224	3.249	3.274
NGPA section 109 threshold	2.128	2.143	2.158	2.173	2.180	2.187	2.194	2.204	2.214	2.224	2.234	2.244
130 percent of No. 2 fuel oil in New York City threshold	9.180	9.340	9.470	9.340	9.280	8.000	8.170	8.670	8.660	8.950	8.640	8.890
Calendar Year 1983												
Incremental pricing threshold	$2.179	$2.187	$2.195	$2.203	$2.214	$2.225	$2.236	$2.245				
NGPA section 102 threshold	3.299	3.321	3.344	3.367	3.394	3.421	3.448	3.472				
NGPA section 109 threshold	2.254	2.262	2.270	2.278	2.289	2.300	2.311	2.320				
130 percent of No. 2 fuel oil in New York City threshold	9.420	9.320	8.820	8.120	7.550	6.950	7.540	7.610				

[FR Doc. 83-20338 Filed 7-27-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 148

[T.D. 83-156]

Customs Regulations Amendment Concerning Public International Organizations

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to conform to an executive action taken by the President. To keep the list current, the document adds the African Development Bank to the list of public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act.

EFFECTIVE DATE: July 28, 1983.

FOR FURTHER INFORMATION CONTACT: Richard M. Goodman, Office of the General Counsel, Department of the Treasury, Washington, D.C. 20220 (202-566-8427).

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing program to keep its regulations current, the Customs Service has determined that a recent executive action requires a conforming amendment to a part of the Customs Regulations (Chapter I, Title 19, Code of Federal Regulations (19 CFR Chapter I)).

Discussion of Change

On February 8, 1983, President Reagan signed Executive Order 12403 which designated the African Development Bank as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act, 22 U.S.C. 288 *et seq.*

Section 148.87(b), Customs Regulations (19 CFR 148.87(b)), lists the public international organizations currently entitled to free entry privileges under the Act. To keep the list current § 148.87(b) is being amended to add the African Development Bank to the list of designated organizations.

Executive Order 12291

Because this amendment will not result in a "major rule" as defined by section 1(b) of E.O. 12291, the regulatory analysis and review prescribed by section 3 of the E.O. is not required.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code, as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act." That Act does not apply to any regulation, such as this, for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551, *et seq.*), or any other statute.

Drafting Information

The principal author of this document was Jesse V. Vitello, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 148

International organizations.

Amendment to the Regulations

Part 148, Customs Regulations (19 CFR Part 148), is amended as set forth below.

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

§ 148.87 [Amended]

Section 148.87(b) is amended by inserting "African Development Bank" before "African Development Fund" in the column headed "Organization", "12403" in the opposite column under the heading "Executive Order", and "February 8, 1983" in the opposite column under the heading "Date".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

Donald F. Kelly,

Acting Commissioner of Customs.

Approved: July 5, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-20401 Filed 7-27-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 740

Relocation Assistance, Residential Moving Cost Schedules and Business Moving Expense Findings

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to change the updating of residential moving cost schedules, from twice a year to once a year, and to increase the maximum business moving expense finding for a self move from $1000 to $2500. These changes are intended to reduce the administrative burden on States and simplify existing regulations.

EFFECTIVE DATE: July 28, 1983.

FOR FURTHER INFORMATION CONTACT: Gerald Starkweather, Relocation Division, Office of Right-of-Way (202) 426-0117, or Reid Alsop, Office of the Chief Counsel (202) 426-0800, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 202 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Relocation Act) (42 U.S.C. 4622) provides that persons forced to move by a Federal or federally assisted project must be reimbursed for their moving expenses. Section 202(b) of the Uniform Relocation Act (42 U.S.C. 4622(b)) provides that a displaced individual or family may elect to be paid for moving expenses on the basis of a schedule in lieu of the payment of actual moving costs. Moving expense schedules are necessary to effectively implement this section. In order to ensure statewide uniformity among all agencies operating under the Act, General Services Administration regulations, governing agency implementation of the Act, 41 CFR Part 101-6, provide in § 101-6.105-1 that moving expense schedules maintained by the respective State highway agencies shall be used, and that the schedules will be approved on a current basis and disseminated by the Federal Highway Administration (FHWA).

23 CFR 740.55(c)(3) requires that changes to State moving cost schedules must be submitted to the Washington Headquarters of FHWA by May 1 and December 1 of each year. This requirement is being changed so that revisions to schedules will be submitted only once a year to the Washington Headquarters by October 15.

Past experience indicates that adjustments to moving expense schedules are minor and infrequent. Suggestions to change to an annual update of the schedules have been received periodically. This change will remove an unnecessary administrative burden. The effective date of future revisions to the moving expense schedules will be the date provided in the annual **Federal Register** announcement of the revisions.

Title 23 CFR 740.56 governs moving payments to displaced businesses, pursuant to section 202(a) of the Uniform Relocation Act (42 U.S.C. 4622(a)). Title 23 CFR 740.56(b)(3)(iii) provides that, when a displaced business moves itself it may receive a payment not to exceed $1000, based on an estimate of the costs incurred by the business in moving. This section is being changed by increasing the limit of $1000 to $2500. The increase in the moving expense limit to $2,500, as the amount that may be paid to a business for its moving costs without detailed supporting data, would increase program efficiency and reduce "redtape" burdens on the States and on displaced businesses by making it easier to avoid the paperwork and effort that is required when a business moves on an actual cost basis. Actual cost moves require detailed inventories which must be verified. This procedure takes a large amount of time, and constitutes an administrative and financial burden for both the State and the displaced business.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory policies and procedures. The FHWA has also determined that the changes will have only minimal impact on the affected States and public. Moreover, the increase in the moving expense finding for displaced businesses merely simplifies administration and does not affect a business's relocation entitlement, and the change in updating residential moving cost schedules will only affect individuals and families. Therefore, because the economic impact is expected to be minimal, further evaluation is not necessary.

Since the changes being adopted in this document are administrative in nature and make no substantive changes in the regulations, the FHWA finds good cause to make this amendment final without prior notice and opportunity for

comment and without a 30-day delay in effective date required by the Administrative Procedure Act. Notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action would result in the receipt of useful information. Accordingly, the amendments are effective upon issuance.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

List of Subjects in 23 CFR Part 740

Highways and roads, Moving payments, Moving payments to individuals and families, Moving payments to businesses, Relocation assistance.

Issued on July 15, 1983.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

PART 740—[AMENDED]

Subpart C—Moving Payments

In consideration of the foregoing, Part 740, Subpart C of Chapter I of Title 23, Code of Federal Regulations, is amended as set forth below.

1. In § 740.55, paragraph (c)(3) is revised to read as follows:

§ 740.55 Moving payments to individuals and families.

* * * * *

(c) * * *

(3) When submitted to the Washington Headquarters by October 15 of each year future changes in State moving cost schedules, as approved by the FHWA, will be published in the **Federal Register** and become effective on the date provided therein. The moving expense schedules are published in the Code of Federal Regulations as Appendix A of 49 CFR Part 25.

2. In § 740.56, paragraph (b)(3)(iii) is revised to read as follows:

§ 740.56 Moving payments to businesses.

* * * * *

(b) * * *

(3) * * *

(iii) A State may adopt a procedure by which a qualified State employee, other than the employee handling the claim, makes a moving expense finding not to exceed $2500. The amount of such moving expense finding may be paid the owner of the business upon completion of the move without supporting evidence of actual expenses incurred. The employee making the finding may not be involved in the delivery of the payment.

(23 U.S.C. 315; 42 U.S.C. 4633; 49 CFR 1.48(b), 25.9)

[FR Doc. 83-20131 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-22-M

Coast Guard

33 CFR Part 100

[CGD1-83-03]

Special Local Regulations; Sweeps and Sculls Regatta

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the SWEEPS AND SCULLS REGATTA. This event will be held from 10:00 am until 3:00 pm on July 30, 1983, and from 11:00 am until 4:00 pm on July 31, 1983. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on July 30, 1983 and terminate on July 31, 1983.

FOR FURTHER INFORMATION CONTACT: LT Michael J. Chaplain, USCG, Chief, Boating Standards/Affairs Branch (bc), Room 1102, First Coast Guard District, 150 Causeway Street, Boston, MA 02114, (617) 223-3607.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking has not been published for these regulations. Following normal rulemaking procedures would have been impracticable. The application to hold the event was not received until May 31, 1983, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The drafters of this regulation are LT M. J. Chaplain, USCG, project officer, First Coast Guard District Boating Standard/Affairs Branch and LCDR S.C. Ploszaj, project attorney, First Coast Guard District Legal Office.

Discussion of Regulations

This regatta consists of numerous heats, each with up to six boats participating in a heat. The boats involved in this regatta are manually-propelled sculls, and other pulling boats, and are constructed with low freeboard. Some of the events scheduled are for novice or otherwise inexperienced rowers. Due to the nature and the constructions of these boats, the possibility of these boats swamping or sinking as a result of wakes generated by power driven vessels in the area of the regatta exists. The purpose of this regulation is to limit the speed/wake in the area of the regatta in order to provide for the safety of life on navigable waters during this regatta.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

In consideration of the foregoing, Part 100, of Title 33, Code of Federal Regulations, is amended by adding a temporary section 100.35-1-03 to read as follows:

§ 100.35-1-03 Sweeps and Sculls Regatta.

(a) *Regulated Area.* Seekonk River, bank-to-bank, bounded by the "Red Bridge" at mile 1.6, Seekonk River, to a line drawn perpendicular to the main river channel and passing through buoy number 19, located approximately 1.5 nautical miles up-river from said bridge.

(b) *Special Local Regulations.* (1) Observe a maximum speed limit of five (5) knots, or "No Wake Speed", whichever is less.

(2) Remain well clear of event participants (sculls and other type pulling boats).

(3) Exercise extreme caution when operating in this area.

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

Dated: June 15, 1983.

C. E. Robbins,

RADM, U.S. Coast Guard, First Coast Guard District.

[FR Doc. 83-20619 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[OGD3 82-024]

Drawbridge Operation Regulations; Wappinger Creek, NY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of Metro-North Commuter Railroad, the Coast Guard is changing the regulations governing the Wappinger Creek railroad drawbridge at New Hamburg, New York to provide that the draw need not open. However, the draw shall be required to be rehabilitated so as to open in less than six months should the needs of navigation require. This change is being made because no requests have been

made to open the draw since 1976. This action will relieve the bridge owner of the burden of maintaining the machinery and of having a person available to open the draw and will still provide for the reasonable needs of navigation.

EFFECTIVE DATE: This rule becomes effective on August 29, 1983.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Third Coast Guard District (212) 668-7994.

SUPPLEMENTARY INFORMATION: On February 28, 1983, the Coast Guard published a proposed rule (48 FR 8302) concerning this amendment. The Commander, Third Coast Guard District also published this proposal as a Public Notice dated March 10, 1983. In each notice interested persons were given until April 14, 1983 to submit comments.

Drafting Information

The drafters of this rule are Ernest J. Feemster, project manager, and LCDR Frank E. Couper, project attorney.

Discussion of Comments

No comments were received in response to the proposed rule. However, Metro-North Commuter Railroad, owner of the bridge, requested that their name be used instead of that of the former owner. This has been done in this document and will be done in all future references to the bridge. This change in name will not affect the substance of this rulemaking. No other substance changes have been made and the Coast Guard decided to issue this rule because no comments were received after reasonable dissemination of the proposal. No draft or final evaluation has been prepared for this rulemaking because of minimal economic impact. This is because there are no known water-dependent facilities on the waterway and no known marine traffic that requires opening of the bridge.

Economic Assessment and Certification

These final regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be major rules. They are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by revising § 117.190(f)(2) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.190 Navigable waters in the State of New York and their tributaries; bridges where constant attendance of drawtenders is not required.

* * * * *

(f) * * *

(2) Wappinger Creek, Metro-North Commuter railroad bridge, mile 0.0 at New Hamburg. The draw need not open for the passage of vessels. However, should the needs of navigation warrant, the bridge shall be rehabilitated to the extent necessary to open the draw within six months.

* * * * *

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: July 12, 1983.

W. E. Caldwell,

Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 83-20520 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 164

[CGD 77-196]

Confined or Congested Waters

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This final rule eliminates the special operating requirements for vessels 1600 gross tons or more when operating in "confined or congested waters". The deleted requirements never became effective, as a list of "confined or congested waters" has never been published.

EFFECTIVE DATE: August 29, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Falvey, Office of Marine Environment and Systems (G-WWM), Room 1606, U.S. Coast Guard Headquarters, 2100 Second St., S.W., Washington, DC 20593 (202) 426-4958.

SUPPLEMENTARY INFORMATION: Section 164.15, Navigation underway: Confined or congested waters, of Title 33 of the Code of Federal Regulations was published on January 31, 1977 (42 FR 5956-5961). This section required for self-propelled vessels of 1600 or more gross tons the following:

In the confined and congested waters described in § 164.16, the master or person in charge of each vessel underway shall ensure that—

(a) Propulsion machinery can respond immediately through its full operating range;

(b) The engine room, including the main engine control station even if it is not in the engine room, is manned to operate the propulsion machinery as required by paragraph (a) of this section;

(c) Persons are available to rapidly anchor the vessel in an emergency; and

(d) The automatic pilot device is not in use.

Section 164.16, List of confined or congested waters, was reserved when § 164.15 was published. On April 16, 1979, the initial list of confined or congested waters was published as a notice of proposed rulemaking in the **Federal Register** at 44 FR 22686. An analysis of the comments received in response to the proposed list and a review of the requirements of § 164.15 indicated that the benefits of the regulation would not outweigh the burdens of implementation.

A notice of proposed rulemaking to consider eliminating the special operating requirements in confined or congested waters was published in the **Federal Register** on April 14, 1983 (48 FR 16078). Comments were invited for a period of 45 days ending May 31, 1983. No comments on the proposed deletion were received.

Drafting Information

The principal persons involved in drafting this proposal are Mr. Tom Falvey, Project Manager, Office of Marine Environment and Systems, and Michael N. Mervin, Project Counsel, Office of Chief Counsel.

Discussions

No two areas that were proposed to be classified "confined or congested waters" are alike. The variation between many of the areas is extreme. Not only does the physical layout vary between areas, but the weather, currents, traffic density and type vary even for the same area.

Section 164.15 does not have the flexibility to deal efficently with the many different conditions. For example, although § 164.15 requires that persons must be ready to rapidly anchor the vessel in an emergency, the water in some confined and congested areas is too deep to anchor. As time passes, traffic volume in some designated areas may

decline, thereby making the area relatively less congested. The § 164.15 requirements would no longer be appropriate for such areas. On the other hand, areas not designated may become more congested or relatively more confined, and yet masters, relying on the published list of confined or congested waters, may choose to forego taking needed precautions in those areas. There would be a continuing burden on the Coast Guard to maintain the list current, and a corresponding burden on the mariner to keep informed of the current list. The publications and charts required by existing regulations are considered adequate to draw the master's attention to the hazards in a particular area.

There have been several developments since the regulations were published.

The Coast Guard may establish special operating requirements for local areas. A regulated navigation area (RNA) may be established where it is felt that special regulations reflecting local conditions and tailored to meet a specific need are necessary. RNA's may be proposed by any individual to a Captain of the Port or District Commander.

The Standards of Training, Certification, and Watchkeeping, 1978, are about to be ratified by the international community. This convention, developed by the International Maritime Organization (IMO), provides guidance to Masters in keeping a navigational and engineering watch. It also provides standards for certification of ship's officers by the vessel's flag state.

The first set of amendments to the International Convention of Safety of Life at Sea, 1974 (SOLAS '74), has been completed and is now under consideration by IMO member states. Among other items, these amendments provide for: Additional shipboard navigation equipment; restrictions in the use of automatic pilot in certain waters; a requirement for additional steering gear power units to be in operation in restricted waters; and specific steering gear drills and tests (several of these items are to be the subject of a future rulemaking). Although these amendments would not be implemented before September 1984, mariners are aware of their content and may be following them as guides for prudent seamanship.

The Inland Navigational Rules Act of 1980 became effective in December, 1981. These rules, based on the International Regulations for Preventing Collisions at Sea, 1972, mandate certain behavior in narrow channels, during periods of restricted visibility, and in other high risk situations.

It is up to the master to assimilate all these inputs and then decide what action is appropriate. If the vessel is operating in an area that could be classified as confined or congested waters, in most cases the actions listed in § 164.15 will be among the precautions taken. The Coast Guard believes that there is no demonstrable need to mandate those precautions by a regulation applicable to an extensive, but limited, list of designated "confined or congested" waters.

Evaluation and Certification

This regulation eliminates a set of requirements that has never been implemented. This regulation has been evaluated under Executive Order 12291 and DOT Order 2100.5 of May 22, 1980. "Policies and Procedures for the Simplification, Analysis and Review of Regulations", and has been determined to be neither major nor significant. The economic impact of this regulation has been determined to be minimal, therefore, a full regulatory evaluation has not been prepared. If the requirements had been implemented, some additional expense, in the form of overtime payments to existing crew members, may have been incurred. These would be insignificant in relation to normal vessel operating expenses, even in an extreme case for an individual vessel. For these reasons, in accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is certified that this rule would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 164

Navigation (water), Waterways.

PART 164—[AMENDED]

§§ 164.15 and 164.16 [Removed]

In consideration of the foregoing Part 164 of title 33 of the Code of Federal Regulations is amended by removing §§ 164.15 and 164.16.

(Sec. 12, 92 Stat. 1477 (33 U.S.C. 1231); 49 CFR 1.46(n)(4))

Dated: June 24, 1983.

R. L. Brown,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 83-20616 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP Jacksonville, Florida Reg. 83-06]

Security Zone Regulation; St. Johns River, Jacksonville, Florida

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a security zone on and within 200 yards of Quarantine Island, on the St. Johns River in Jacksonville, Florida.

The zone is needed to safeguard vessels against damage from accidents, or other causes of a similar nature and to prevent interference with a military exercise.

Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective at 6:00 p.m., August 5, 1983. It terminates at 4:00 p.m., August 6, 1983, unless sooner terminated by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander B. K. KLIMEK, c/o Commanding Officer, U.S. Coast Guard Marine Safety Office, 2831 Talleyrand Avenue, Jacksonville, FL 32206, Tel: 904-791-2648.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent injury or loss to vessels.

Drafting Information

The drafters of this regulation are Commander M. E. PAYNE, project officer for the Captain of the Port, and Lieutenant Commander K. E. GRAY, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Regulation

The incident requiring this regulation will begin at 6:00 p.m. on August 5, 1983. It is a joint military exercise involving personnel and vessels from several services.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

In consideration of the foregoing, Part 165 of Title 33, Code of Federal

Regulations, is amended by adding a new § 165.T7 83-06 to read as follows:

§ 165.T7 83-06 Security Zone: St. Johns River, Jacksonville, Florida.

(a) *Location.* The following area is a security zone: The area on and within 200 yards of Quarantine Island in the St. Johns River, Jacksonville, Florida from 6:00 p.m. on August 5, 1983 until 4:00 p.m. August 6, 1983.

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port. Section 165.33 also contains other general requirements.

(50 U.S.C. 191; E. O. 10173; and 33 CFR 6.04-6.)

Dated: July 14, 1983.

M. Woods,

Captain, U.S. Coast Guard, Captain of the Port, Jacksonville, FL.

[FR Doc. 83-20525 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[Third Coast Guard District Reg. CCGD3-83-30]

Safety Zone Regulations; New Jersey, New York Harbor, Newark Bay

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in New Jersey, New York Harbor, Newark Bay. This zone is needed to protect vessels from potential safety hazards associated with the demolition the CNJ Newark Bay Bridge. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation is effective at 12:00 PM e.d.s.t. 11 July 1983 and terminates upon completion of the current demolition work being done on the CNJ Newark Bay Bridge, with the Zone to be terminated no later than 01 November 1983.

FOR FURTHER INFORMATION CONTACT: Captain of the Port, New York (212)-668-7917.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to public interest since immediate action is needed to respond to any potential hazards.

Drafting Information

The drafters of this regulation are Lieutenant Junior Grade G. M. Jacobson, Project Officer for the Captain of the Port, and Lieutenant Commander J. J. D'Alessandro, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Regulation

The circumstances requiring this regulation result from the potential hazards to navigation associated with the demolition operation on the CNJ Newark Bay Bridge.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water),

Security measures, Vessels, Waterways.

PART 165—[AMENDED]

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding § 165-T-03-364 to read as follows:

§ 165-T-03-364 Safety Zone: New Jersey, New York Harbor, Newark Bay South Reach

(a) *Location.* The following area is a Safety Zone: The waters within a boundary extending from the Newark Bay Lighted Buoy "4B" in position 40°39'19" N., 74°08'45.7" W., thence east on a course of 090 degrees true a distance of approximately 145 yards to position 40°39'19" N., 74°08'40" W., thence southwest on a course of 200 degrees true a distance of approximately 230 yards to position 40°39'12.5" N., 74°08'43" W., thence northwest on a course of 304 degrees true a distance of approximately 110 yards to the Newark Bay Channel Buoy "4A" in position 40°39'14.7" N., 74°08'47.4" W., thence north on a course of 015 degrees true to the starting point.

(b) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: July 8, 1983.

J. L. McDonald,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 83-20509 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[COTP Hampton Roads, VA, Regulation 83-15]

Safety Zone Regulations; James River, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard has established a safety zone in the James River near Newport News, Virginia, on July 12, 1983. This zone was established to prevent further damage to the James River Bridge and its fender system which were severely damaged by a collision with a tug and tow on July 11, 1983. Entry of tugs with tows astern from the south into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective at 05:00 PM Eastern Daylight Savings Time on July 12, 1983. It terminates when repairs to the James River Bridge are effected on October 10, 1983, whichever occurs first.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander W. K. Six, Chief, Port Operations Department, Coast Guard Marine Safety Office, Hampton Roads, Norfolk, Virginia 23510, (804) 441-3296.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is necessary to minimize the potential for major structural damage to the James River Bridge.

Drafting Information

The drafters of this regulation are Lieutenant Commander W. K. Six, project officer for the Captain of the Port, and Commander D. J. Kantor, project attorney, Fifth Coast Guard District Legal Office.

Discussion of Regulation

To minimize the potential for major structural damage to the James River Bridge, no tug with a tow astern will be permitted to enter, or transit this safety zone from the south unless specifically authorized by the Coast Guard Captain of the Port, Hampton Roads, Virginia. This action is necessary due to the damage sustained by the bridge fender system in a collision with a tug and tow. The sustained damage is of such a degree that the south west bridge

support structure is exposed and another collision may cause the failure of the entire bridge structure. All other structural supports are fully protected and tugs approaching from the north do not present a hazard to the bridge structure. This rule is in response to a request by the Virginia Department of Highways for Coast Guard assistance in precluding tugs with tows astern from transiting the area from the south.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new 165.T526 to read as follows:

§ 165.T526 Safety Zone: James River, Virginia.

(a) *Location:* The following area is a safety zone: The water within a one hundred yard radius of the James River Bridge lift bridge over the James River in position 37°00'10" N, 76°28'10" W

(b) Regulations.

In accordance with the general regulations in 165.23 of this part, tugs with tows astern may not enter or transit this zone from the south.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: 12 July 1983.

D. C. O'Donovan,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads, U.S. Coast Guard.

[FR Doc. 83-20518 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 262

Law Enforcement Support Activity, Correction

AGENCY: Forest Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This final rule corrects an error in 36 CFR Part 262 which was made when the rule relating to Law Enforcement Support Activity was recently amended (48 FR 26603; June 9, 1983).

EFFECTIVE DATE: July 28, 1983.

FOR FURTHER INFORMATION CONTACT: Wayne Wilson, Law Enforcement, Fiscal and Accounting Management Staff, Forest Service, USDA, 703-235-8094.

SUPPLEMENTARY INFORMATION: On June 9, 1983, the Department of Agriculture published, at 48 FR 26603, a final rule which revised Subpart A—Rewards and Payments of 36 CFR Part 262. The rule incorporated existing Forest Service policy and procedure governing the purchase of information and evidence to further investigations of violations of laws and regulations related to administration of lands and programs by the Forest Service.

Section 262.3 of the final rule addresses the purchase of evidence. However, in paragraph (a)(5) of that section, reference was mistakenly made to purchase of "information." This rule corrects the text so that subparagraph (5) properly refers to the purchase of "evidence."

This rule makes a technical correction and, therefore, is not subject to regulatory review under E.O. 12291 or the Regulatory Flexibility Act. Public comment on the amendment would be impractical and unnecessary nor would any purpose be served by delaying the effective date of the correction.

Therefore, for the reasons set forth in the preamble, Part 262 of Chapter II of Title 36 of the Code of Federal Regulations is amended as follows:

PART 262—[AMENDED]

Subpart A—[Amended]

§ 262.3 [Amended]

1. By removing the phrase "purchase of information" in the first line of paragraph (a)(5) and inserting in lieu thereof the phrase "purchase of evidence."

Dated: July 21, 1983.

John B. Crowell, Jr.,

Assistant Secretary for Natural Resources & Environment.

[FR Doc. 83-20165 Filed 7-27-83; 8:45 am]

BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[A-9-FRL 2405-7]

Withdrawal of Delegation of New Source Performance Standards (NSPS); California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule-related notice.

SUMMARY: The EPA hereby places the public on notice that it has withdrawn delegation of one NSPS category to the California Air Resources Board (CARB) on behalf of the San Diego County Air Pollution Control District (SDCAPCD). The action to withdraw delegation authority for Subpart CC, Glass Manufacturing Plants was requested by the CARB and the SDCAPCD. This action does not create any new regulatory requirements affecting the public. The effect of the withdrawal of delegation authority is to shift the primary program responsibility for the affected NSPS category from the State and local governments to EPA.

EFFECTIVE DATE: June 21, 1983.

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, New Source Section (A-3-1), Air Operations Branch, Air Management Division, EPA, Region, 9 215 Fremont Street, San Francisco, CA 94105, Tel: (415) 974-8236, FTS 454-8236.

SUPPLEMENTARY INFORMATION: The CARB has requested withdrawal of delegation for one NSPS category on behalf of the SDCAPCD. The request to withdraw authority for Glass Manufacturing Plants was based on the following information provided by the SDCAPCD:

(1) The raw materials required for glass manufacturing are not indigenous to the San Diego area.

(2) The San Diego region has very limited transportation facilities of the type required to import the raw materials and export the finished products associated with glass manufacturing.

(3) The San Diego area has very high utility rates compared to the remainder of the country which would deter the very energy intensive glass manufacturing operation.

In response to the above, withdrawal of authority was granted by a letter dated June 21, 1983 and is reproduced in its entirely as follows:

Mr. James D. Boyd,

Executive Officer, California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, CA 95812

Dear Mr. Boyd: In response to your request of May 13, 1983, we are granting your request for withdrawal of delegation of authority for one new source performance standard, on behalf of the San Diego County Air Pollution Control District.

We have reviewed the information provided and determined that authority to implement and enforce Subpart CC, Glass Manufacturing Plants can be withdrawn.

Sincerely,

John C. Wise,

Acting Regional Administrator.

cc: San Diego County Air Pollution Control District

With respect to San Diego County, all reports, applications, submittals, and other communications pertaining to the above listed NSPS source category should be directed to the EPA, Region 9 Office at the address shown in the "**FOR FURTHER INFORMATION CONTACT:**" section of this notice.

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

This Notice is issued under the authority of Section 111 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*).

Dated: July 12, 1983.

John Wise,

Acting Regional Administrator.

[FR Doc. 83-20222 Filed 7-27-83; 8:45 am]

BILLING CODE 6560-50-M

COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Part 1500

Guidance Regarding NEPA Regulations

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Information Only, Publication of Memorandum to Agencies Containing Guidance on Agency Implementation of NEPA Regulations.

SUMMARY: The Council on Environmental Quality, as part of its oversight of implementation of the National Environmental Policy Act, on August 14, 1981 requested comments from the public on how the various federal agencies are implementing the regulations promulgated by the Council in 1978 (40 CFR 1500 *et seq.*). The Council received 142 comments. Sixty-nine commenters represented business groups; forty represented state and local governments; fifteen represented environmental groups; thirteen represented federal agencies; and, five represented other interest groups or individuals. The Council staff summarized the comments received in a document which was subsequently made available to the public. On July 12, 1982 the Council published notice of the availability of this summary document in the **Federal Register**. The summary document identified a number of areas in which the comments indicate that agencies need to better manage the NEPA process.

On August 12, 1982 the Council held a public meeting to discuss the issue areas identifed in the summary document. At that time representatives of environmental groups, industry groups, other federal agencies and individuals testified. Subsequent to the meeting the Council received several additional comments addressing the problem areas identifed in the summary document.

Based on the public comments received during this process, the Council is issuing the following guidance document to help officials manage the NEPA process in a more efficient fashion.

DATE: July 22, 1983.

FOR FURTHER INFORMATION CONTACT: Dinah Bear, General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006. (202) 395-5754.

A. Alan Hill,

Chairman.

Executive Office of the President

Council on Environmental Quality

722 Jackson Place, N.W.

Washington, D.C. 20006

July 22, 1983.

Memorandum

For: Heads of Federal Agencies
From: A. Alan Hill, Chairman
Re: Guidance Regarding NEPA Regulations

The Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) were issued on November 29, 1978. These regulations became effective for, and binding upon, most federal agencies on July 30, 1979, and for all remaining federal agencies on November 30, 1979.

As part of the Council's NEPA oversight responsibilities it solicited through an August 14, 1981, notice in the **Federal Register** public and agency comments regarding a series of questions that were developed to provide information on the manner in which federal agencies were implementing the CEQ regulations. On July 12, 1982, the Council announced the availability of a document summarizing the comments received from the public and other agencies and also identifying issue areas which the Council intended to review. On August 12, 1982, the Council held a public meeting to address those issues and hear any other comments which the public or other interested agencies might have about the NEPA process. The issues addressed in this guidance were identified during this process.

There are many ways in which agencies can meet their responsibilities under NEPA and the 1978 regulations. The purpose of this document is to provide the Council's guidance on various ways to carry out activities under the regulations.

Scoping

The Council on Environmental Quality (CEQ) regulations direct federal agencies which have made a decision to prepare an environmental impact statement to engage in a public scoping process. Public hearings or meetings, although often held, are not required; instead the manner in which public input will be sought is left to the discretion of the agency.

The purpose of this process is to determine the scope of the EIS so that preparation of the document can be effectively managed. Scoping is intended to ensure that problems are identified early and properly studied, that issues of little significance do not consume time and effort, that the draft EIS is thorough and balanced, and that delays occasioned by an inadequate draft EIS are avoided. The scoping process should identify the public and agency concerns; clearly define the environmental issues and alternatives to be examined in the EIS including the elimination of nonsignificant issues; identify related issues which originate from separate legislation, regulation, or Executive Order (e.g. historic preservation or endangered species concerns); and identify state and local agency requirements which must be addressed. An effective scoping process can help reduce unnecessary paperwork and time delays in preparing and processing the EIS by clearly identifying all relevant procedural requirements.

In April 1981, the Council issued a "Memorandum for General Counsels, NEPA Liaisons and Participants in Scoping" on the subject of Scoping Guidance. The purpose of this guidance was to give agencies suggestions as to how to more effectively carry out the CEQ scoping requirement. The availability of this document was announced in the **Federal Register** at 46 FR 25461. It is still available upon request from the CEQ General Counsel's office.

The concept of lead agency (§ 1508.16) and cooperating agency (§ 1508.5) can be used effectively to help manage the scoping process and prepare the environmental impact statement. The lead agency should identify the potential cooperating agencies. It is incumbent upon the lead agency to identify any agency which may ultimately be involved in the proposed action, including any subsequent permitting

actions. Once cooperating agencies have been identified they have specific responsibility under the NEPA regulations (40 CFR 1501.6). Among other things cooperating agencies have responsibilities to participate in the scoping process and to help identify issues which are germane to any subsequent action it must take on the proposed action. The ultimate goal of this combined agency effort is to produce an EIS which in addition to fulfilling the basic intent of NEPA, also encompasses to the maximum extent possible all the environmental and public involvement requirements of state and federal laws, Executive Orders, and administrative policies of the involved agencies. Examples of these requirements include the Fish and Wildlife Coordination Act, the Clean Air Act, the Endangered Species Act, the National Historic Preservation Act, the Wild and Scenic Rivers Act, the Farmland Protection Policy Act, Executive Order 11990 (Protection of Wetlands), and Executive Order 11998 (Floodplain Management).

It is emphasized that cooperating agencies have the responsibility and obligation under the CEQ regulations to participate in the scoping process. Early involvement leads to early identification of significant issues, better decisionmaking, and avoidance of possible legal challenges. Agencies with "jurisdiction by law" must accept designation as a cooperating agency if requested (40 CFR 1501.6).

One of the functions of scoping is to identify the public involvement/public hearing procedures of all appropriate state and federal agencies that will ultimately act upon the proposed action. To the maximum extent possible, such procedures should be integrated into the EIS process so that joint public meetings and hearings can be conducted. Conducting joint meetings and hearings eliminates duplication and should significantly reduce the time and cost of processing an EIS and any subsequent approvals. The end result will be a more informed public cognizant of all facets of the proposed action.

It is important that the lead agency establish a process to properly manage scoping. In appropriate situations the lead agency should consider designating a project coordinator and forming an interagency project review team. The project coordinator would be the key person in monitoring time schedules and responding to any problems which may arise in both scoping and preparing the EIS. The project review team would be established early in scoping and maintained throughout the process of preparing the EIS. This review team would include state and local agency representatives. The review team would meet periodically to ensure that the EIS is complete, concise, and prepared in a timely manner.

A project review team has been used effectively on many projects. Some of the more important functions this review team can serve include: (1) A source of information, (2) a coordination mechanism, and (3) a professional review group. As an information source, the review team can identify all federal, state, and local environmental requirements, agency public meeting and hearing procedures, concerned citizen groups, data needs and sources of existing information, and the significant issues and reasonable alternatives for detailed analysis, excluding the non-significant issues. As a coordination mechanism, the team can ensure the rapid distribution of appropriate information or environmental studies, and can reduce the time required for formal consultation on a number of issues (e.g., endangered species or historic preservation). As a professional review group the team can assist in establishing and monitoring a tight time schedule for preparing the EIS by identifying critical points in the process, discussing and recommending solutions to the lead agency as problems arise, advising whether a requested analysis or information item is relevant to the issues under consideration, and providing timely and substantive review comments on any preliminary reports or analyses that may be prepared during the process. The presence of professionals from all scientific disciplines which have a significant role in the proposed action could greatly enhance the value of the team.

The Council recognizes that there may be some problems with the review team concept such as limited agency travel funds and the amount of work necessary to coordinate and prepare for the periodic team meetings. However, the potential benefits of the team concept are significant and the Council encourages agencies to consider utilizing interdisciplinary project review teams to aid in EIS preparation. A regularly scheduled meeting time and location should reduce coordination problems. In some instances, meetings can be arranged so that many projects are discussed at each session. The benefits of the concept are obvious: timely and effective preparation of the EIS, early identification and resolution of any problems which may arise, and elimination, or at least reduction of, the need for additional environmental studies subsequent to the approval of the EIS.

Since the key purpose of scoping is to identify the issues and alternatives for consideration, the scoping process should "end" once the issues and alternatives to be addressed in the EIS have been clearly identified. Normally this would occur during the final stages of preparing the draft EIS and before it is officially circulated for public and agency review.

The Council encourages the lead agency to notify the public of the results of the scoping process to ensure that all issues have been identified. The lead agency should document the results of the scoping process in its administrative record.

The NEPA regulations place a new and significant responsibility on agencies and the public alike during the scoping process to identify all significant issues and reasonable alternatives to be addressed in the EIS. Most significantly, the Council has found that scoping is an extremely valuable aid to better decisionmaking. Thorough scoping may also have the effect of reducing the frequency with which proposed actions are challenged in court on the basis of an inadequate EIS. Through the techniques identified in this guidance, the lead agency will be able to document that an open public involvement process was conducted, that all reasonable alternatives were identified, that significant issues were identified and non-significant issues eliminated, and that the environmental public involvement requirements of all agencies were met, to the extent possible, in a single "one-stop" process.

Categorical Exclusions

Section 1507 of the CEQ regulations directs federal agencies when establishing implementing procedures to identify those actions which experience has indicated will not have a significant environmental effect and to categorically exclude them from NEPA review. In our August 1981 request for public comments, we asked the question "Have categorical exclusions been adequately identified and defined?".

The responses the Council received indicated that there was considerable belief that categorical exclusions were not adequately identified and defined. A number of commentators indicated that agencies had not identified all categories of actions that meet the categorical exclusion definition (§ 1508.4) or that agencies were overly restrictive in their interpretations of categorical exclusions. Concerns were expressed that agencies were requiring

too much documentation for projects that were not major federal actions with significant effects and also that agency procedures to add categories of actions to their existing lists of categorical exclusions were too cumbersome.

The National Environmental Policy Act and the CEQ regulations are concerned primarily with those "major federal actions signficantly affecting the quality of the human environment" (42 U.S.C. 4332). Accordingly, agency procedures, resources, and efforts should focus on determining whether the proposed federal action is a major federal action significantly affecting the quality of the human environment. If the answer to this question is yes, an environmental impact statement must be prepared. If there is insufficient information to answer the question, an environmental assessment is needed to assist the agency in determining if the environmental impacts are significant and require an EIS. If the assessment shows that the impacts are not significant, the agency must prepare a finding of no significant impact. Further stages of this federal action may be excluded from requirements to prepare NEPA documents.

The CEQ regulations were issued in 1978 and most agency implementing regulations and procedures were issued shortly thereafter. In recognition of the experience with the NEPA process that agencies have had since the CEQ regulations were issued, the Council believes that it is appropriate for agencies to examine their procedures to insure that the NEPA process utilizes this additional knowledge and experience. Accordingly, the Council strongly encourages agencies to re-examine their environmental procedures and specifically those portions of the procedures where "categorical exclusions" are discussed to determine if revisions are appropriate. The specific issues which the Council is concerned about are (1) the use of detailed lists of specific activities for categorical exclusions, (2) the excessive use of environmental assessments/findings of no significant impact and (3) excessive documentation.

The Council has noted some agencies have developed lists of specific activities which qualify as categorical exclusions. The Council believes that if this approach is applied narrowly it will not provide the agency with sufficient flexibility to make decisions on a project-by-project basis with full consideration to the issues and impacts that are unique to a specific project. The Council encourages the agencies to consider broadly defined criteria which characterize types of actions that, based on the agency's experience, do not cause significant environmental effects. If this technique is adopted, it would be helpful for the agency to offer several examples of activities frequently performed by that agency's personnel which would normally fall in these categories. Agencies also need to consider whether the cumulative effects of several small actions would cause sufficient environmental impact to take the actions out of the categorically excluded class.

The Council also encourages agencies to examine the manner in which they use the environmental assessment process in relation to their process for identifying projects that meet the categorical exclusion definition. A report(*1*) to the Council indicated that some agencies have a very high ratio of findings of no significant impact to environmental assessments each year while producing only a handful of EIS's. Agencies should examine their decisionmaking process to ascertain if some of these actions do not, in fact, fall within the categorical exclusion definition, or, conversely, if they deserve full EIS treatment.

As previously noted, the Council received a number of comments that agencies require an excessive amount of environmental documentation for projects that meet the categorical exclusion definition. The Council believes that sufficient information will usually be available during the course of normal project development to determine the need for an EIS and further that the agency's administrative record will clearly document the basis for its decision. Accordingly, the Council strongly discourages procedures that would require the preparation of additional paperwork to document that an activity has been categorically excluded.

Categorical exclusions promulgated by an agency should be reviewed by the Council at the draft stage. After reviewing comments received during the review period and prior to publication in final form, the Council will determine whether the categorical exclusions are consistent with the NEPA regulations.

Adoption Procedures

During the recent effort undertaken by the Council to review the current NEPA regulations, several participants indicated federal agencies were not utilizing the adoption procedures as authorized by the CEQ regulations. The concept of adoption was incorporated into the Council's NEPA Regulations (40 CFR 1506.3) to reduce duplicative EISs prepared by Federal agencies. The experiences gained during the 1970's revealed situations in which two or more agencies had an action relating to the same project; however, the timing of the actions was different. In the early years of NEPA implementation, agencies independently approached their activities and decisions. This procedure lent itself to two or even three EISs on the same project. In response to this situation the CEQ regulations authorized agencies, in certain instances, to adopt environmental impact statements prepared by other agencies.

In general terms, the regulations recognize three possible situations in which adoption is appropriate. One is where the federal agency participated in the process as a cooperating agency. (40 CFR 1506.3(c)). In this case, the cooperating agency may adopt a final EIS and simply issue its record of decision.(*2*) *However*, the cooperating agency must independently review the EIS and determine that its own NEPA procedures have been satisfied.

A second case concerns the federal agency which was not a cooperating agency, but is, nevertheless, undertaking an activity which was the subject of an EIS. (40 CFR 1506.3(b)). This situation would arise because an agency did not anticipate that it would be involved in a project which was the subject of another agency's EIS. In this instance where the proposed action is substantially the same as that action described in the EIS, the agency may adopt the EIS and recirculate (file with EPA and distribute to agencies and the public) it as a final EIS. However, the agency must independently review the EIS to determine that it is current and that its own NEPA procedures have been satisfied. When recirculating the final EIS the agency should provide information which identifies what federal action is involved.

The third situation is one in which the proposed action is not substantially the same as that covered by the EIS. In this case, any agency may adopt an EIS or a portion thereof by circulating the EIS as a draft or as a portion of the agency's draft and preparing a final EIS. (40 CFR 1506.3(a)). Repetitious analysis and time consuming data collection can be easily eliminated utilizing this procedure.

The CEQ regulations specifically address the question of adoption only in terms of preparing EIS's. However, the objectives that underlie this portion of the regulations—i.e., reducing delays and eliminating duplication—apply with equal force to the issue of adopting other environmental documents. Consequently, the Council encourages agencies to put in place a mechanism for

adopting environmental assessments prepared by other agencies. Under such procedures the agency could adopt the environmental assessment and prepare a Finding of No Significant Impact based on that assessment. In doing so, the agency should be guided by several principles:

—First, when an agency adopts such an analysis it must independently evaluate the information contained therein and take full responsibility for its scope and content.

—Second, if the proposed action meets the criteria set out in 40 CFR 1501.4(e)(2), a Finding of No Significant Impact would be published for 30 days of public review before a final determination is made by the agency on whether to prepare an environmental impact statement.

Contracting Provisions

Section 1506.5(c) of the NEPA regulations contains the basic rules for agencies which choose to have an environmental impact statement prepared by a contractor. That section requires the lead or cooperating agency to select the contractor, to furnish guidance and to participate in the preparation of the environmental impact statement. The regulation requires contractors who are employed to prepare an environmental impact statement to sign a disclosure statement stating that they have no financial or other interest in the outcome of the project. The responsible federal official must independently evaluate the statement prior to its approval and take responsibility for its scope and contents.

During the recent evaluation of comments regarding agency implementation of the NEPA process, the Council became aware of confusion and criticism about the provisions of Section 1506.5(c). It appears that a great deal of misunderstanding exists regarding the interpretation of the conflict of interest provision. There is also some feeling that the conflict of interest provision should be completely eliminated.*(3)*

Applicability of § 1506.5(c)

This provision is only applicable when a federal lead agency determines that it needs contractor assistance in preparing an EIS. Under such circumstances, the lead agency or a cooperating agency should select the contractor to prepare the EIS.*(4)*

This provision does not apply when the lead agency is preparing the EIS based on information provided by a private applicant. In this situation, the private applicant can obtain its information from any source. Such sources could include a contractor hired by the private applicant to do environmental, engineering, or other studies necessary to provide sufficient information to the lead agency to prepare an EIS. The agency must independently evaluate the information and is responsible for its accuracy.

Conflict of Interest Provisions

The purpose of the disclosure statement requirement is to avoid situations in which the contractor preparing the environmental impact statement has an interest in the outcome of the proposal. Avoidance of this situation should, in the Council's opinion, ensure a better and more defensible statement for the federal agencies. This requirement also serves to assure the public that the analysis in the environmental impact statement has been prepared free of subjective, self-serving research and analysis.

Some persons believe these restrictions are motivated by undue and unwarranted suspicion about the bias of contractors. The Council is aware that many contractors would conduct their studies in a professional and unbiased manner. However, the Council has the responsibility of overseeing the administration of the National Environmental Policy Act in a manner most consistent with the statute's directives and the public's expectations of sound government. The legal responsibilities for carrying out NEPA's objectives rest solely with federal agencies. Thus, if any delegation of work is to occur, it should be arranged to be performed in as objective a manner as possible.

Preparation of environmental impact statements by parties who would suffer financial losses if, for example, a "no action" alternative were selected, could easily lead to a public perception of bias. It is important to maintain the public's faith in the integrity of the EIS process, and avoidance of conflicts in the preparation of environmental impact statements is an important means of achieving this goal.

The Council has discovered that some agencies have been interpreting the conflicts provision in an overly burdensome manner. In some instances, multidisciplinary firms are being excluded from environmental impact statements preparation contracts because of links to a parent company which has design and/or construction capabilities. Some qualified contractors are not bidding on environmental impact statement contracts because of fears that their firm may be excluded from future design or construction contracts. Agencies have also applied the selection and disclosure provisions to project proponents who wish to have their own contractor for providing environmental information. The result of these misunderstandings has been reduced competition in bidding for EIS preparation contracts, unnecessary delays in selecting a contractor and preparing the EIS, and confusion and resentment about the requirement. The Council believes that a better understanding of the scope of § 1506.5(c) by agencies, contractors and project proponents will eliminate these problems.

Section 1506.5(c) prohibits a person or entity entering into a contract with a federal agency to prepare an EIS when that party has at that time and during the life of the contract pecuniary or other interests in the outcomes of the proposal. Thus, a firm which has an agreement to prepare an EIS for a construction project cannot, at the same time, have an agreement to perform the construction, nor could it be the owner of the construction site. However, if there are no such separate interests or arrangements, and if the contract for EIS preparation does not contain any incentive clauses or guarantees of any future work on the project, it is doubtful that an inherent conflict of interest will exist. Further, § 1506.5(c) does not prevent an applicant from submitting information to an agency. The lead federal agency should evaluate potential conflicts of interest prior to entering into any contract for the preparation of environmental documents.

Selection of Alternatives in Licensing and Permitting Situations

Numerous comments have been received questioning an agency's obligation, under the National Environmental Policy Act, to evaluate alternatives to a proposed action developed by an applicant for a federal permit or license. This concern arises from a belief that projects conceived and developed by private parties should not be questioned or second-guessed by the government. There has been discussion of developing two standards to determining the range of alternatives to be evaluated: The "traditional" standard for projects which are initiated and developed by a Federal agency, and a second standard of evaluating only those alternatives presented by an applicant for a permit or license.

Neither NEPA nor the CEQ regulations make a distinction between actions initiated by a Federal agency and by applicants. Early NEPA case law, while emphasizing the need for a rigorous examination of alternatives, did

not specifically address this issue. In 1981, the Council addressed the question in its document, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations".(5) The answer indicated that the emphasis in determining the scope of alternatives should be on what is "reasonable". The Council said that, "Reasonable alternatives include those that are *practical or feasible* from the technical and economic standpoint and using common sense rather than simply *desirable* from the standpoint of the applicant."

Since issuance of that guidance, the Council has continued to receive requests for further clarification of this question. Additional interest has been generated by a recent appellate court decision. *Roosevelt Campobello International Park Commission* v. *E.P.A.*(6) dealt with EPA's decision of whether to grant a permit under the National Pollutant Discharge Elimination System to a company proposing a refinery and deep-water terminal in Maine. The court discussed both the criteria used by EPA in its *selecting* of alternative sites to evaluate, and the substantive standard used to *evaluate* the sites. The court determined that EPA's choice of alternative sites was "focused by the primary objectives of the permit applicant . . ." and that EPA had limited its consideration of sites to only those sites which were considered feasible, given the applicant's stated goals. The court found that EPA's criteria for selection of alternative sites was sufficient to meet its NEPA responsibilities.

This decision is in keeping with the concept that an agency's responsibilities to examine alternative sites has always been "bounded by some notion of feasibility" to avoid NEPA from becoming "an exercise in frivolous boilerplate".(7) NEPA has never been interpreted to require examination of purely conjectural possibilities whose implementation is deemed remote and speculative. Rather, the agency's duty is to consider "alternatives as they exist and are likely to exist."(8) In the *Roosevelt Campobello* case, for example, EPA examined three alternative sites and two alternative modifications of the project at the preferred alternative site. Other factors to be developed during the scoping process—comments received from the public, other government agencies and institutions, and development of the agency's own environmental data—should certainly be incorporated into the decision of which alternatives to seriously evaluate in the EIS. There is, however, no need to disregard the applicant's purposes and needs and the common sense realities of a given situation in the development of alternatives.

Tiering

Tiering of environmental impact statements refers to the process of addressing a broad, general program, policy or proposal in an initial environmental impact statement (EIS), and analyzing a narrower site-specific proposal, related to the initial program, plan or policy in a subsequent EIS. The concept of tiering was promulgated in the 1978 CEQ regulations; the preceding CEQ guidelines had not addressed the concept. The Council's intent in formalizing the tiering concept was to encourage agencies, "to eliminate repetitive discussions and to focus on the actual issues ripe for decisions at each level of environmental review."(9)

Despite these intentions, the Council perceives that the concept of tiering has caused a certain amount of confusion and uncertainty among individuals involved in the NEPA process. This confusion is by no means universal; indeed, approximately half of those commenting in response to our question about tiering (10) indicated that tiering is effective and should be used more frequently. Approximately one-third of the commentators responded that they had no experience with tiering upon which to base their comments. The remaining commentators were critical of tiering. Some commentators believed that tiering added an additional layer of paperwork to the process and encouraged, rather than discouraged, duplication. Some commentators thought that the inclusion of tiering in the CEQ regulations added an extra legal requirement to the NEPA process. Other commentators said that an initial EIS could be prepared when issues were too broad to analyze properly for any meaningful consideration. Some commentators believed that the concept was simply not applicable to the types of projects with which they worked; others were concerned about the need to supplement a tiered EIS. Finally, some who responded to our inquiry questioned the courts' acceptance of tiered EISs.

The Council believes that misunderstanding of tiering and its place in the NEPA process is the cause of much of this criticism. Tiering, of course, is by no means the best way to handle all proposals which are subject to NEPA analysis and documentation. The regulations do not require tiering; rather, they authorize its use when an agency determines it is appropriate. It is an option for an agency to use when the nature of the proposal lends itself to tiered EIS(s).

Tiering does not add an additional legal requirement to the NEPA process. An environmental impact statement is required for proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. In the context of NEPA, "major Federal actions" include adoption of official policy, formal plans, and programs as well as approval of specific projects, such as construction activities in a particular location or approval of permits to an outside applicant. Thus, where a Federal agency adopts a formal plan which will be executed throughout a particular region, and later proposes a specific activity to implement that plan in the same region, both actions need to be analyzed under NEPA to determine whether they are major actions which will significantly affect the environment. If the answer is yes in both cases, both actions will be subject to the EIS requirement, whether tiering is used or not. The agency then has one of two alternatives: Either preparation of two environmental impact statements, with the second repeating much of the analysis and information found in the first environmental impact statement, or tiering the two documents. If tiering is utilized, the site-specific EIS contains a summary of the issues discussed in the first statement and the agency will incorporate by reference discussions from the first statement. Thus, the second, or site-specific statement, would focus primarily on the issues relevant to the specific proposal, and would not duplicate material found in the first EIS. It is difficult to understand, given this scenario, how tiering can be criticized for adding an unnecessary layer to the NEPA process; rather, it is intended to streamline the existing process.

The Council agrees with commentators who stated that there are stages in the development of a proposal for a program, plan or policy when the issues are too broad to lend themselves to meaningful analysis in the framework of an EIS. The CEQ regulations specifically define a "proposal" as existing at, "that stage in the development of an action when an agency subject to [NEPA] has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing the goal *and the effects can be meaningfully evaluated.*"(11) Tiering is not intended to force an agency to prepare an EIS before this stage is reached; rather, it is a technique to be used once meaningful analysis can

be performed. An EIS is not required before that stage in the development of a proposal, whether tiering is used or not.

The Council also realizes that tiering is not well suited to all agency programs. Again, this is why tiering has been established as an *option* for the agency to use, as opposed to a requirement.

A supplemental EIS is required when an agency makes substantial changes in the proposed action relevant to environmental concerns, or when there are signifcant new circumstances or information relevant to environmental concerns bearing on the proposed action, and is optional when an agency otherwise determines to supplement an EIS.(*12*) The standard for supplementing an EIS is not changed by the use of tiering; there will no doubt be occasions when a supplement is needed, but the use of tiering should reduce the number of those occasions.

Finally, some commentators raised the question of courts' acceptability of tiering. This concern is understandable, given several cases which have reversed agency decisions in regard to a particular programmatic EIS. However, these decisions have never invalidated the concept of tiering, as stated in the CEQ regulations and discussed above. Indeed, the courts recognized the usefulness of the tiering approach in case law before the promulgation of the tiering regulation. Rather, the problems appear when an agency determines not to prepare a site-specific EIS based on the fact that a programmatic EIS was prepared. In this situation, the courts carefully examine the analysis contained in the programmatic EIS. A court may or may not find that the programmatic EIS contains appropriate analysis of impacts and alternatives to meet the adequacy test for the site-specific proposal. A recent decision by the Ninth Circuit Court of Appeals (*13*) invalidated an attempt by the Forest Service to make a determination regarding wilderness and non-wilderness designations on the basis of a programmatic EIS for this reason. However, it should be stressed that this and other decisions are not a repudiation of the tiering concept. In these instances, in fact, tiering has *not* been used; rather, the agencies have attempted to rely exclusively on programmatic or "first level" EISs which did not have site-specific information. No court has found that the tiering process as provided for in the CEQ regulations is an improper manner of implementing the NEPA process.

In summary, the Council believes that tiering can be a useful method of reducing paperwork and duplication when used carefully for appropriate types of plans, programs and policies which will later be translated into site-specific projects. Tiering should not be viewed as an additional substantive requirement, but rather a means of accomplishing the NEPA requirements in an efficient manner as possible.

Footnotes

(*1*) Environmental Law Institute, *NEPA In Action Environmental Offices in Nineteen Federal Agencies*. A Report To the Council on Environmental Quality, October 1981.

(*2*) Records of decision must be prepared by each agency responsible for making a decision, and cannot be adopted by another agency.

(*3*) The Council also received requests for guidance on effective management of the third-party environmental impact statement approach. However, the Council determined that further study regarding the policies behind this technique is warranted, and plans to undertake that task in the future.

(*4*) There is no bar against the agency considering candidates suggested by the applicant, although the Federal agency must retain its independence. If the applicant is seen as having a major role in the selection of the contractor, contractors may feel the need to please both the agency and the applicant. An applicant's suggestion, if any, to the agency regarding the choice of contractors should be one of many factors involved in the selection process.

(*5*) 46 FR 18026 (1981).

(*6*) 684 F.2d 1041 (1st Cir. 1982).

(*7*) *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 551 (1978).

(*8*) *Monarch Chemical Works, Inc. v. Exon*, 466 F.Supp. 639, 650 (1979), quoting *Carolina Environmental Study Group v. U.S.*, 510 F.2d 796, 801 (1975).

(*9*) Preamble, FR, Vol. 43, No. 230, p. 55984, 11/29/78.

(*10*) "Is tiering being used to minimizes repetition in an environmental assessment and in environmental impact statements?", 46 FR 41131, August 14, 1981.

(*11*) 40 CFR 1508.23 (emphasis added).

(*12*) 40 CFR 1502.9(c).

(*13*) *California v. Block*, 18 ERC 1149 (1982).

[FR Doc. 83-20522 Filed 7-27-83; 8:45 am]

BILLING CODE 3125-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6447

[WASH-03047, OR-22052 (WASH), OR-22058 (WASH), OR-22059 (WASH)]

Washington; Revocation of Secretarial Orders of December 22, 1905, September 18, 1916, and April 21, 1920, and Public Land Order No. 2342

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes three Secretarial orders and a public land order affecting 6,557.22 acres of land withdrawn for the Yakima Project. This action will open 3,416.62 acres of land to surface entry and mining. Of the balance, 1,657.94 acres have been conveyed from Federal ownership with a reservation of oil and gas; 163.46 acres are included in other existing land withdrawals; and 1,319.20 acres will be restored to State indemnity selection only, and will not be opened to surface entry or mining. To the extent that the minerals remain in Federal ownership, the lands have been and will remain open to mineral leasing, except for the 163.46 acres that remain withdrawn.

EFFECTIVE DATE: August 24, 1983.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretary's First Form Reclamation Withdrawal Order of December 22, 1905, which withdrew the following described land for the Yakima Project, is hereby revoked:

Willamette Meridian

Public Lands

T. 9 N., R. 27 E.,
Sec. 4, SW¼;
Sec. 10, S½;
Sec. 14;
Sec. 20, NE¼, E½NW¼, NE¼SW¼, N½NW¼SW¼, SE¼NW¼SW¼, NE¼NE¼SW¼SW¼, N½SE¼SW¼, NE¼SW¼SE¼SW¼, SE¼SE¼SW¼, and N½SE¼;
Sec. 22, N½;
Sec. 24.
T. 10 N., R. 27 E.,
Sec. 34, SW¼NW¼.
T. 8 N., R. 28 E.,
Sec. 2, lots 1 and 2, S½NE¼, and SE¼;
Sec. 12, N½, N½SW¼, N½N½SW¼SW¼, S½SW¼SW¼, SE¼SW¼, and SE¼.
T. 9 N., R. 28 E.,
Sec. 18, fractional NW¼SW¼.
T. 11 N., R. 28 E.,
Sec. 10, SE¼.
T. 8 N., R. 30 E.,
Sec. 36, lot 4.
T. 7 N., R. 31 E.,
Sec. 6, lot 3.

Non-Federal Lands

T. 9 N., R. 27 E.,
Sec. 20, NW¼SW¼SE¼SW¼ and SE¼SW¼SE¼SW¼.
T. 8 N., R. 28 E.,
Sec. 12, S½N½SW¼SW¼.
T. 9 N., R. 28 E.,

Sec. 18, W½NE¼SW¼, SE¼NE¼SW¼, and SW¼SW¼SE¼;
Sec. 20, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 22, SW¼NE¼SW¼, W½SW¼, SE¼SW¼, W½SW¼SE¼, and SE¼SW¼SE¼;
Sec. 26, SW¼NW¼;
Sec. 28, NE¼NE¼;
Sec. 34, N½NE¼.
T. 8 N., R. 29 E.,
Sec. 10, S½NW¼ and SW¼.

The areas described aggregate 4,712.38 acres in Benton County.

2. The Secretary's First Form Reclamation Withdrawal Order of September 18, 1916, which withdrew the following described land for the Yakima Project, is hereby revoked:

Willamette Meridian

Public Lands

T. 9 N., R. 27 E.,
Sec. 26, SW¼NE¼, W½NW¼, SE¼NW¼, N½S½, SE¼SW¼, and SW¼SE¼;
Sec. 28, NE¼, N½NW¼, N½S½NW¼, and N½S½NW¼.

Non-Federal Lands

T. 9 N., R. 26 E.,
Sec. 10, lot 5.
T. 9 N., R. 27 E.,
Sec. 26, SW¼SW¼ and SE¼SE¼;
Sec. 28, S½S½S½NW¼;
Sec. 30, NE¼NE¼, N½NW¼NE¼, SE¼NW¼NE¼, NE¼SE¼NE¼, and NE¼NE¼NW¼;
Sec. 34, NE¼, NE¼NW½, and S½NW¼.
T. 8 N., R. 28 E.,
Sec. 6, lots 1 and 2, and S½NE¼.

The areas described aggregate 1,342.94 acres in Benton County.

3. The Secretary's First Form Reclamation Withdrawal Order of April 21, 1920, which withdrew the following described land for the Yakima Project, is hereby revoked:

Willamette Meridian

Public Lands

T. 9 N., R. 27 E.,
Sec. 8, lot 1 and N½NE¼.
T. 9 N., R. 28 E.,
Sec. 30, E½W½ and fractional W½W½.

The areas described aggregate 421.90 acres in Benton County.

4. Public Land Order No. 2342 of April 24, 1961, which withdrew the following described land for enlargement of the Kennewick Extension of the Yakima Project, is hereby revoked:

Willamette Meridian

Public Lands

T. 9 N., R. 27 E.,
Sec. 10, SE¼NE¼;
Sec. 22, NE¼SE¼.

The areas described contains 80 acres in Benton County.

5. The 1657.94 acres of non-Federal lands described in paragraphs 1 and 2 have been conveyed out of United States owership, with a reservation of oil and gas, and will not be restored to operation of the public land laws, including the mining and mineral leasing laws, except that they have been and remain open to applications and offers for oil and gas leasing.

6. The SE¼ of Sec. 10, T. 11 N., R. 28 E., is withdrawn by Public Land Order No. 881 of January 30, 1953, for the Hanford Reservation and remains closed to operation of the public land laws, including the mining and mineral leasing laws.

7. Lot 3 of Sec. 6, T. 7 N., R. 31 E., is withdrawn by Public Land Order No. 606 of September 13, 1949, for the McNary Dam and Reservoir Project, and remains closed to operation of the public land laws, including the mining and mineral leasing laws.

8. At 9:30 a.m., on July 28, 1983, the following described land will be opened to State indemnity selection by the State of Washington, but will remain closed to operation of the other public land laws including the mining laws:

Willamette Meridian

T. 9 N., R. 27 E.,
Sec. 22, N½ and NE¼SE¼;
Sec. 24, NW¼ and S½;
Sec. 26, SW¼NE¼, W½NW¼, and SE¼NW¼.
T. 9 N., R. 28 E.,
Sec. 30, E½W½ and fractional W½W½.

The areas described aggregate 1,319.20 acres in Benton County.

9. At 9:30 a.m., on August 24, 1983, the lands described in paragraphs 1, 2, 3, and 4, except as provided in paragraphs 5, 6, 7, and 8, will be opened to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9:30 a.m., on August 24, 1983, will be considered as simultaneously filed at that time. Those received there after will be considered in the order of filing.

10. At 9:30 a.m., on August 24, 1983, the lands described in paragraphs 1, 2, 3, and 4, except as provided in paragraphs 5, 6, 7, and 8, will be open to location and entry under the United States mining laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determination in local courts.

The lands described in paragraphs 1, 2, 3, and 4, except as provided in paragraphs 5, 6, and 7, have been and remain open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

July 19, 1983.

[FR Doc. 83-20465 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

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

ADDRESSES: See table below.

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

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

published in the **Federal Register** for each community listed.

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

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

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

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

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

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Thatcher (town), Graham County (FEMA-6509)	Frye Creek	At the intersection of Frye Creek Road and Sage Trail	*3,089
		Frye Creek Tributary	At the intersection of Dry Gulch Drive and Pinalemo Mountain Drive.	*3,088
Maps available for inspection at the Engineer's Office, 230 College Avenue, Thatcher, Arizona.				
Arizona	Yuma County (unincorporated areas) (FEMA-6499)	Main Outlet Drain Shallow Flooding.	100 feet west from center of Old Arizona 95 and U.S. Highway 95 south of Gila River.	*165
		Colorado River	At the center of intersection of 12th Street and Palm Avenue near the City of Yuma.	*142
		East Main Canal Shallow Flooding	Center of intersection of Magnolia and 10th Streets	*3
		Shallow Flooding	Center of intersection of 13th Street and East Drain Extension.	#2
		Yuma Levee Area	Center of intersection of Avenue D and Riverside Drive.	*125
		Fortuna Wash	Center of intersection of Southern Pacific Railroad Fortuna Wash.	*193
		Fortuna Wash	Center of intersection of east bound lane of Interstate Highway 8 and Fortuna Wash.	*317
		Fortuna Wash East Fork	At confluence with Fortuna Wash	*390
		Gila Gravity Main Canal Shallow Flooding.	1,000 feet east from center of intersection of 6th Street and Laguna Dam Road.	*156
		Gila River	100 feet upstream from center of Avenue 7E	*145
		Gila River Shallow Flooding	4,500 feet east-northeast from center of intersection of Old Arizona 95 and U.S. Highway 95 and U.S. Highway 95 north of Gila River.	*172
		Gila River Shallow Flooding	Center of Avenue 18E 5,500 feet north from intersection of Avenue 18E and 6th Street.	*179
		Borrow Pit Lake	At shoreline	*158
Maps available for inspection at the Department of Public Works, 2703 Avenue B, Yuma, Arizona.				
California	Farmersville (city) Tulare County (FEMA-6442)	Deep Creek	Center of intersection of Shasta Avenue and Cottonwood Street.	*358
Maps available for inspection at City Hall, 147 E. Front Street, Farmersville, California.				
Florida	Monroe County (unincorporated areas) (FEMA-6492)	Atlantic Ocean	At the center of intersection of State Highway South 939 and State Highway South 939A.	*9
			At the confluence of Largo Sound and North Sound Creek.	*15
			At the confluence of Pumpkin Creek and Turtle Harbor Channel.	*19
		Florida Bay	At Palm Island	*12
			At the confluence of Whale Harbor Channel and Windley Harbor near U.S. Highway 1.	*17
		Gulf of Mexico	At Douglas Key	*12
Maps available for inspection at Chief Building Official Office, Public Service Building, Stock Island, Key West, Florida.				
Florida	Ocean Breeze Park (town) Martin County (FEMA-6509).	Atlantic Ocean-Indian River	At the center of intersection of Hibiscus Drive and Circle Drive.	*8
			At the center of intersection of Little Bit Lane and Indian River Drive.	*9
Maps available for inspection at Town Hall, Jensen Beach, Florida.				
Georgia	Unincorporated areas of Liberty County (FEMA-6499)	Clay Creek	Just downstream of southeastern corporate limits of the City of Midway (downstream crossing).	*8
		Goshen Canal	Approximately 350 feet upstream of State Highway 82	*18
		Mill Creek	Approximately 250 feet upstream of 18th Street	*58
			Approximately 200 feet upstream of Seaboard Coastline Railroad.	*69
		Peacock Creek	Approximately 200 feet downstream of U.S. Highway 17 (State Highway 25).	*11

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 500 feet downstream of Seaboard Coastline Railroad (upstream crossing).	*17
		Atlantic Ocean/St. Catherines Sound.	At the Interstate Highway 95 crossing of the Jerico river.	*13
			Approximately 1,000 feet south of the intersection of Interstate Highway 95 and U.S. Highway 17 (State Highway 25).	*13
			Approximately 100 feet south of Yellow Bluff Fishing Camp.	*14
			Approximately 900 feet north of Halfmoon Landing	*16
			Approximately 500 feet south of Stevens Airfield	*16
			Approximately 200 feet east of Interstate Highway 95 crossing the North Newport River.	*16
		Atlantic Ocean/Sapelo Sound	Approximately 100 feet east of Drum Point Landing	*16
Maps available for inspection at County Joint Planning Commission, Main Street, Hinesville, Georgia 31313.				
Illinois	(Uninc.) Carroll County (Docket No. FEMA-6508)	Mississippi River	At downstream County Boundary	*594
			At upstream County Boundary	*600
Maps available for inspection at the Clerk's Office, Carroll County Courthouse, Mt. Carroll, Illinois.				
Illinois	(V) Cave-In-Rock Hardin County (Docket No. FEMA-6499).	Ohio River	Western corporate limits	*360
			Eastern corporate limits	*361
Maps available for inspection at the Cave-In-Rock Post Office.				
Illinois	(C) Clinton De Witt County (Docket No. FEMA-6508)	Coon Creek	About 2,760 feet downstream of Madison Street	*698
			About 180 feet downstream of Illinois Central Gulf Railroad.	*709
			Just upstream of Illinois Central Gulf Railroad	*714
			About 2,290 feet upstream of Alexander Street	*716
		Goose Creek	At mouth	*714
			Just downstream of Illinois Central Gulf Railroad	*722
		Tenmile Creek	Just downstream of Old Lincoln Road	*700
			About 400 feet upstream of Woodlawn Avenue	*706
Maps available for inspection at City Hall, Zoning, Building and Public Safety Office, 118-120 West Washington, Clinton, Illinois.				
Illinois	(Uninc.) Hardin County (Docket No. FEMA-6499)	Ohio River	Just downstream of the confluence of Wallace Branch	*354
			About 4.5 miles upstream of the confluence of Saline River.	*366
Maps available for inspection at the County Clerk's Office, Hardin County Courthouse, Elizabethtown, Illinois.				
Illinois	(V) Heyworth, McLean County (Docket No. FEMA-6499).	Kickapoo Creek Tributary	About 550 feet downstream of US Highway 51	*706
			Just upstream of Willis Street	*717
			About 3,100 feet upstream of Joselyn Street	*735
		Tributary A	Just downstream of US Highway 51	*727
			About 840 feet upstream of Illinois Central Gulf Railroad.	*744
Maps available for inspection at the Village Hall, Heyworth, Illinois.				
Illinois	(V) Liverpool, Fulton County (Docket No. FEMA-6485)	Illinois River	Within the corporate limits	*454
Maps available for inspection at the Village Hall, Liverpool, Illinois.				
Illinois	(Uninc.) Pope County (Docket No. FEMA-6499)	Ohio River	Downstream county line	*341
			Upstream county line	*354
Maps available for inspection at the County Clerk's Office, Pope County Courthouse, Goiconda, Illinois.				
Illinois	(V) Union, McHenry County (Docket No. FEMA-6508)	Railroad Creek	About 400 feet downstream of Chicago and North Western Railroad.	*835
			Just upstream of Prairie Street	*840
			About 1,100 feet upstream of Main Street	*850
Maps available for inspection at the Village Hall, Union, Illinois.				
Illinois	(V) Wonder Lake, McHenry County (Docket No. FEMA-6508).	Nippersink Creek	About 1,800 feet downstream of Thompson Road	*808
			About 1,000 feet upstream of Thompson Road	*814
Maps available for inspection at the Village Hall, 8808 Burton Road, Wonder Lake, Illinois.				
Indiana	(T) Brooksburg, Jefferson County (Docket No. FEMA-6499).	Ohio River	Within the corporate limits	*467
Maps available for inspection at Ms. Cathy Corbin's residence, Rural Route #3, Brooksburg, Indiana.				
Indiana	(T) Highland, Lake County (Docket No. FEMA-6247)	Little Calumet River	Just upstream of Cline Avenue	*598
			At upstream corporate limits	*599
		Cady Marsh Ditch	At confluence of Spring Street Ditch	*607
			Just downstream of Cline Avenue	*614
		Hart Ditch	At mouth at Little Calumet River	*599
			At confluence of Cady Marsh Ditch	*607
		Spring Street Ditch	About 200 feet upstream of mouth at Cady Marsh Ditch.	*612
			Just downstream of Hart Road	*614
			Just downstream of Main Street	*622
Maps available for inspection at the Town Hall, 3333 Ridge Road, Highland, Indiana.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Massachusetts	Amherst, town, Hampshire County (Docket No. FEMA-6499).	Mill River	Downstream corporate limits	*150
			Upstream second crossing State Route 116	*159
			Upstream Montague Road	*174
			Approximately .44 mile upstream of Montague Road	*184
			Downstream Mill Street	*203
		Fort River	Downstream corporate limits	*140
			Confluence of Muddy Brook	*143
			Upstream West Street	*150
			Upstream Boston and Maine Railroad	*159
			Approximately .83 mile upstream County Route 9	*170
			Upstream Pelham Road	*176
		Plum Brook	Confluence with Fort River	*143
			Upstream Pomeroy Lane	*150
			Upstream Potwine Lane	*160
		Muddy Brook	Confluence with Fort River	*143
			Upstream West Street	*149
		Hop Brook	Confluence with Fort River	*159
			Approximately 200 feet upstream Boston and Maine Railroad.	*160
			Upstream Station Road	*163
		Swamp Brook	Confluence with Mill River	*153
			Upstream Sunderland Road	*166
			Downstream Montague Road	*178
Maps available for inspection at the Town Hall, Planner's Office, Amherst, Massachusetts.				
Massachusetts	Otis, town, Berkshire County (Docket No. FEMA-6485).	West Branch Farmington River	Downstream corporate limits	*1,110
			Upstream Reservoir Road	*1,155
			Upstream State Route 23	*1,221
			Upstream Covered Bridge	*1,223
			Approximately 3,890 feet upstream	*1,255
Maps available for inspection at the Otis Town Hall Otis, Massachusetts, 01253.				
Michigan	(Twp) Eaton Rapids, Eaton County (Docket No. FEMA-650).	Grand River	About 0.5 mile downstream of Columbia Highway	*857
			About 0.4 mile upstream of Confluence of Spicer Creek.	*867
Maps available for inspection at the Township Office, 1114 North Gunnell, Eaton Rapids, Michigan.				
Michigan	(Twp) Holland, Ottawa County (Docket No. FEMA-6499).	Lake Macatawa	Shoreline	*584
		Macatawa River	Mouth at Lake Macatawa	*584
			Just upstream Adams Street	*594
			Just downstream 96th Avenue	*599
		Secondary Channel	At confluence with Macatawa River	*594
			At divergence with Macatawa River	*596
		Pine Creek	Just upstream 144th Avenue	*597
			Just upstream Riley Street	*608
			About 75 feet downstream Quincy Street	*621
		Bosch-Hulst Drain	About 1,800 feet downstream 107th Avenue	*593
			Just downstream Paw Paw Road	*600
			Just upstream Chicago Drive	*606
			Just upstream Riley Street	*615
			Just downstream Quincy Street	*630
		Zeeland Drain	Mouth at Bosch-Hulst Drain	*616
			Just upstream 100th Avenue	*640
		Brower Drain	Mouth at Zeeland Drain	*622
			Just downstream 100th Avenue	*634
		North Branch Drain	Mouth at Macatawa River	*594
			Just downstream Country Club Road	*628
		County Drain No. 40	Mouth at Macatawa River	*587
			Just downstream Private Drive (near U.S. Highway 31)	*590
			Just upstream Private Drive (near U.S. Highway 31)	*596
			About 50 feet downstream Felch Street	*614
Maps available for inspection at the Supervisor's Office, 353 North 120th Avenue, Holland, Michigan.				
Nebraska	(C) Ft. Calhoun, Washington Country (Docket No. FEMA-6499).	Missouri River	About 1.2 miles downstream of the confluence of Moores Creek.	*999
			About 0.6 mile upstream of the confluence of Moores Creek.	*1,001
Maps available for inspection at City Hall, Fort Calhoun, Nebraska.				
Nevada	Sparks (city), Washoe County (FEMA-6485)	Truckee River	600 feet upstream from centerline of South McCarran Boulevard.	*4,396
			70 feet upstream from centerline of Glendale Avenue	*4,439
				*4,391
		North Truckee Drain	Centerline of West Road 150 feet upstream from centerline of Baring Boulevard.	*4,403
Maps available for inspection at Public Works Department, 431 Prater, Sparks, Nevada.				
New Jersey	Bay Head, borough, Ocean County (Docket No. FEMA-6509).	Atlantic Ocean	Entire shoreline within community	*13
Maps available for inspection at the Municipal Building, 81 Bridge Avenue, Bay Head, New Jersey.				
New Jersey	Manasquan, borough, Monmouth County (Docket No. FEMA-6509.	Atlantic Ocean	Entire shoreline within community	*13
Maps available for inspection at the Municipal Building, 15 Taylor Avenue, Manasquan, New Jersey.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Ridgewood, village, Bergen County (Docket No. FEMA-6431).	Saddle River	Downstream corporate limits	*57
			Upstream Grove Street	*61
			Upstream East Ridgewood Avenue	*69
			Upstream Linwood Avenue	*78
			Upstream State Route 17	*83
			First upstrersm corporate limits	*90
		Hohokus Brook	Confluence with Saddle River	*57
			Upstream Grove Street	*66
			Upstream East Ridgewood Avenue	*78
			Upstream Linwood Avenue	*83
			Upstream East Glen Avenue	*94
			First upstream corporate limits	*112
			Second upstream corporate limits	*149
			Upstream of First Dam	*187
			Upstream of Second Weir	*205
			Most upstream corporate limits	*209
		Goffle Brook	Downstream corporate limits	*135
			Upstream of Dam	*161
			Upstream Corporate limits	*170
Maps available for inspection at the Municipal Building, 131 North Maple Avenue, Ridgewood, New Jersey.				
New Jersey	Seaside Heights, borough, Ocean County (Docket No. FEMA-6509).	Atlantic Ocean	Entire shoreline within community	*13
		Barnegat Bay	Shoreline north of Sheridan Avenue extended	*8
			Shoreline south of Sheridan Avenue extended	*7
Maps available for inspection at the Borough Hall, Boulevard and Somerset Avenue, Seaside Heights, New Jersey.				
New York	Long Beach, city, Nassau County (Docket No. FEMA-6499).	Atlantic Ocean	Entire shoreline within community	*14
		Reynolds Channel	Entire shoreline within community	*7
Maps available for inspection at the Building Department, City Hall, 1 West Chester Street, Long Beach, New York.				
New York	Roslyn Harbor, village, Nassau County (Docket No. FEMA-6499).	Hempstead Harbor	Entire shoreline within community	*17
		Motts Cove	Entire shoreline within community	*14
Maps available for inspection at the Village Hall, 500 Motts Cove Road, Roslyn Harbor, New York.				
North Carolina	Town of Clyde, Haywood County (FEMA-6499)	Pigeon River	Just upstream of Interstate Highway 40 (U.S. Highways 19 and 23 Bypass Connector).	*2,528
			Just upstream of Main Street	*2,533
Maps available for inspection at Town Hall, 18 Depot Street, Clyde, North Carolina 28721.				
North Dakota	Dunn Center (city), Dunn County (FEMA-6499)	Spring Creek	75 feet upstream from center of Central Avenue	*2,170
			Approximately 200 feet south from the center of the intersection of Railroad Street and First Avenue East.	*2,165
Maps available for inspection at City Hall, Main Street, Dunn Center, North Dakota.				
North Dakota	Halliday, (city), Dunn County (FEMA-6499)	Spring Creek	At the intersection of West Second Avenue and North Second Street.	*2,048
			550 feet east-southeast from the center of intersection of Second Street and East Fourth Avenue.	*2,041
		Alkali Creek	950 feet west from the center of the intersection of South Third Street and West First Avenue.	*2,053
Maps available for inspection at City Hall, Main Street, Halliday, North Dakota.				
North Dakota	Killdeer (city), Dunn County (FEMA-6499)	Spring Creek	50 feet downstream from the center of State Highway 22.	*2,245
			50 feet downstream from the center of the High Street	*2,231
Maps available for inspection at City Hall, Railroad Street, Killdeer, North Dakota.				
Ohio	(V) Adena, Harrison and Jefferson Counties (Docket No. FEMA-6499).	North Fork	At mouth at Short Creek	*857
			At upstream corporate limit	*869
		South Fork	At mouth at Middle Fork	*878
			At upstream corporate limits	*882
		Short Creek	Just upstream of Norfolk Southern Railway (downstream of South Bridge Street).	*850
			At confluence of South Fork	*878
		Middle Fork	About 1,400 feet upstream of confluence of South Fork (upstream corporate limits).	*885
Maps available for inspection at the Village Hall, Main and South Bridge Streets, Adena, Ohio.				
Ohio	(V) Amsterdam, Jefferson County (Docket No. FEMA-6499).	Yellow Creek	About 0.56 mile downstream of Liberty Street (at downstream corporate limit).	*926
			Just upstream of Market Street	*931
		Goose Creek	At mouth at Yellow Creek	*931
			About 0.47 mile upstream of State Road (at upstream corporate limit).	957
Maps available for inspection at the village Hall, Main Street, Amsterdam, Ohio 43903.				
Ohio	(V) Darbydale, Franklin County (Docket No. FEMA-6449).	Big Darby Creek	About 0.74 mile downstream of Harrisburg Georgesville Road.	*807
			About 0.31 mile upstream of Harrisburg Georgesville Road.	*814
Maps available for inspection at the Clerk-Treasurer's Office, 7080 London-Groveport Road, Darbydale, Ohio.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(Uninc.) Licking County (Docket No. FEMA-6431)	Licking River	About 1.31 miles downstream of County Road 315	*793
			About 2.75 miles upstream of County Road 315	*810
		North Fork Licking River	About 0.95 mile downstream of Water Works Road	*830
			Just upstream of Mt. Vernon Road (downstream crossing).	*886
			At confluence with Lake Fork Licking River	*932
			Just downstream of Torrens Road	*959
		South Fork Licking River	Just upstream of Irving Wick Drive East	*845
			Just upstream of U.S. Route 40 (downstream crossing)	*881
			Just upstream of County Road 40	*926
			Just upstream of McIntosh Road	*1,028
			About 2,600 feet upstream of Mink Street	*1,102
		Dry Creek	At mouth	*861
			Just downstream of State Route 661	*981
		Sycamore Creek	At south county boundary	*1,021
			About 1,800 feet upstream of Interstate 70	*1,051
		Raccoon Creek	About 3,000 feet downstream of Cherry Valley Road	*876
			Just upstream of County Road 539A	*923
			Just upstream of County Road 22	*966
			About 1,100 feet upstream of State Route 37	*1,080
		Hebron Tributary	At mouth	*878
			About 2,750 feet upstream of mouth	*878
		Lateral E	At confluence with South Fork Licking River	*862
			Just downstream of State Route 79	*864
			Just upstream of State Route 79	*872
			Just downstream of Conrail	*898
			Just upstream of Conrail	*903
		Lateral EA	At mouth	873
			About 950 feet upstream of mouth	*880
		Lateral K	About 1,400 feet downstream of Dam	*919
			About 200 feet downstream of Main Street	*944
			About 400 feet upstream of Main Street	*950
		Kiber Run	At confluence with Raccoon Creek	*1,049
			About 3,600 feet upstream of County Road 41	*1,079
		Log Pond Run	About 1.23 miles downstream of Goose Pond Road	*862
			About 0.46 mile upstream of Price Road	*929
		Bell Run	At confluence with South Fork Licking River	*894
			About 3,300 feet upstream of U.S. Route 40	*905
		Clear Run	At mouth	*911
			Just downstream of Newark-Granville Road	*921
		About 100 feet upstream of Newark-Granville Road.	*929	
		Beaver Run	At confluence with South Fork Licking River	*869
			Just downstream of State Route 79	*872
			Just upstream of State Route 79	*886
			About 6,700 feet upstream of Conrail	*890
		Muddy Fork	At confluence with South Fork Licking River	*983
			About 1,900 feet upstream of Columbia Road	*1,028
		Clear Fork	At mouth	*867
			About 1,800 feet upstream of Dutch Lane Road	*1,048
		Sharon Valley	Just upstream of Country Club Road	*877
			Just downstream of Jones Road	*952
		Dillon Lake	At Brownsville Road	*703
Maps available for inspection at the Floodplain Administrator's Office, Licking County Administration Building, 743 East Main Street, Newark, Ohio.				
Ohio	(V) Newtown, Hamilton County (Docket No. FEMA-6509).	Little Miami River	Within the corporate limits	*501
		Fork of McCullough run	About 2,700 feet upstream of confluence with McCullough Run.	*502
			About 3,950 feet upstream of confluence with McCullough Run.	*508
Maps available for inspection at the Village Hall, 3536 Chruch Street, Newtown, Ohio.				
Ohio	(V) Plain City, Union and Madison Counties (Docket No. FEMA-6509).	Big Darby Creek	About 0.22 mile downstream of Conrail	*919
			Just downstream of State Route 23	*924
Maps available for inspection at the Village Hall, 213 South Chillicothe Street, Plain City, Ohio.				
Oklahoma	City of Newcastle, McClain County (FEMA-6499)	Tributary to Canadian River	Just downstream of May Avenue	*1,164
		Tributary A.1 of Canadian River	Just upstream of East Johnson Road	*1,148
		Tributary A.1.1 of Canadian River	Approximately 100 feet downstream of the corporate limits.	*1,155
		Tributary B of Canadian River	Just downstream of May Avenue	*1,158
		Pond Creek	Just upstream of East Fox Lane	*1,145
			Just upstream of East Kelly Road	*1,166
		Tributary No. 1 of Pond Creek	Just downstream of East Haun Road	*1,155
			Just upstream of East Haun Road	*1,165
		Tributary No. 1.1 of Pond Creek	Just downstream of East Bond Road	*1,196
		Just upstream of East Bond Road	*1,207	
		Tributary No. 1.2 of Pond Creek	Just upstream of Main Street	*1,230
		Tributary No. 2 of Pond Creek	Approximately 200 feet downstream of Portland Avenue.	*1,153
		Tributary No. 3 of Pond Creek	Just upstream of Fox Lane	*1,154
		Tributary No. 4 of Pond Creek	Just upstream of East Fox Lane	*1,165
		Tributary No. 5 of Pond Creek	Just upstream of Main Street	*1,176
		Tributary No. 5.1 of Pond Creek	Just upstream of MacArthur Boulevard	*1,215
		Tributary No. 5.2 of Pond Creek	Just downstream of MacArthur Boulevard	*1,242

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Tributary No. 6 of Pond Creek	Just upstream of Main Street	*1,188
		Tributary No. 7 of Pond Creek	Approximately 1,500 feet upstream of the confluence with Pond Creek.	*1,176
		Tributary No. 8 of Pond Creek	Just upstream of unnamed road	*1,200
		Tributary No. 9 of Pond Creek	Approximately 740 feet upstream of the confluence with Pond Creek.	*1,216
		Tributary No. 10 of Pond Creek	Just upstream of West Fox Lane	*1,247
		Tributary D of Canadian River	Just upstream of State Highway 37	*1,183
		Tributary D.1 of Canadian River	Just upstream of unnamed road	*1,206
		Stinson Creek	Just upstream of unnamed road	*1,245
		Tributary No. 1 of Stinson Creek	Just upstream of Council Road	*1,254
		Tributary No. 2 of Stinson Creek	Approximately 200 feet downstream of Haun Road	*1,283
		Tributary No. 3 of Stinson Creek	Approximately 275 feet downstream of Haun Road	*1,273
Maps available for inspection at City Manager's Office, City Hall, South Carr Street, Newcastle, Oklahoma 73065.				
Pennsylvania	Bedminster, township, Bucks County (Docket No. FEMA-6499).	Cabin Run	At State Route 413	*391
			Upstream of U.S. Route 611	*447
			Approximately 0.4 mile upstream of U.S. Route 611	*466
		Deep Run	Upstream of Stone Bridge Road	*416
			Upstream of Deep Run Road	*454
			Upstream of Scott Road	*482
			Downstream of Smith School Road	*539
		East Branch Perkiomen Creek	Upstream of State Route 313	*342
			Downstream of Elephant Road	*358
		Tohickon Creek	At Iron Bridge Road	*269
			Upstream of Dark Hollow Road	*277
			Upstream of Creek Road	*286
			Upstream of U.S. Route 611	*291
			Upstream of Farm School Road	*302
			Upstream of Fretz Valley Road	*310
			Approximately 2,150 feet upstream of Fretz Valley Road.	*313
Maps available for inspection at the Bedminister Township Building, R.R. 2, Box 408, Perkasie, Pennsylvania.				
Pennsylvania	Middlesex, township, Butler County (Docket No. FEMA-6499).	Glade Run	Approximately 1.0 mile downstream of Sheldon Road	*1,001
			Upstream side of Sheldon Road bridge	*1,017
			Upstream side of McFann Road bridge	*1,028
			Upstream side of State Route 8 bridge	*1,065
			Upstream side of Steiner Road bridge	*1,083
			Upstream side of Overbrook Road bridge	*1,105
			At Glade Lake Dam	*1,121
Maps available for inspection at the Township Building, Middlesex, Pennsylvania.				
Texas	Baileys Prairie, town, Brazoria County (Docket No. FEMA-6499).	Oyster Creek	Downstream corporate limits	*30
			Upstream State Route 35	*32
			Upstream corporate limits	*33
Maps available for inspection at the City Hall, Baileys Prairie, Texas.				
Texas	Brazoria, City, Brazoria County (Docket No. FEMA-6499).	Brazos River	Area north of FM 521 and south of Market Street	*25
			Southeast portion of corporate limits in vicinity of Mulberry Lane.	*24
Maps available for inspection at the City Hall, Drawer E, Brazoria, Texas.				
Texas	Clute, city, Brazoria County (Docket No. FEMA-6499)	Oyster Creek	Most downstream corporate limits	*11
			Upstream Access Road	*14
			Upstream State Route 288	*15
			Downstream Missouri Pacific Railroad	*17
Maps available for inspection at the City Hall, Clute, Texas.				
Texas	Morgans Point, city, Harris County (Docket No. FEMA-6431).	Galveston Bay	From southern corporate limits to South Palm Street	*17
			From South Palm Street (extended) to northern corporate limits.	*19
		San Jacinto River	Barbours Cut: entire shoreline within corporate limits	*12
Maps available for inspection at the City Hall, Morgans Point, Texas.				
Texas	Richwood, city, Brazoria County (Docket No. FEMA-6499).	Oyster Creek	Downstream corporate limits	*15
			Upstream corporate limits	*16
Maps available for inspection at the City Hall, Richwood, 215 Halbert, Richwood, Texas.				
Texas	West Columbia, city, Brazoria County (Docket No. FEMA-6499).	Bell Creek	Downstream corporate limits	*25
			Upstream corporate limits	*32
		Brazos River	Southeast portion of the community near Greenfield Drive.	*31
			Corporate limits at Austin Street (extended)	*33
Maps available for inspection at the City Hall, West Columbia, Texas.				
Virginia	Bridgewater, town, Rockingham County (Docket No. FEMA-6509).	North River	Downstream corporate limits	*1,171
			Downstream of State Route 42	*1,176
			Confluence of Dry River	*1,200
		Dry River	Confluence with North River	*1,200
			Upstream corporate limits	*1,206
Maps available for inspection at the Municipal Building, 112 North Main Street, Bridgewater, Virginia.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Washington	Gold Bar (town) Snohomish County FEMA-6499	Skykomish River	320 feet southwest from center of intersection of 8th Street U.S. Highway 2.	*195
		Wallace River	Center of intersection of First Street and Wallace River.	*185
		May Creek	50 feet upstream from center of First Street	*184
Maps available for inspection at Town Hall, 501 Croft, Gold Bar, Washington.				
Washington	Index (town), Snohomish County FEMA-6499	North Fork Skykomish River	100 feet upstream from center of Fifth Street	*535
Maps available for inspection at Town Hall, Index, Washington.				
Washington	Monroe (city), Snohomish County FEMA-6499	Snohomish River	At 171st Avenue Southeast vicinity of Burlington Northern Railroad.	30
		Skykomish River	At the center of Simons Road crossing of Woods Creek.	*61
Maps available for inspection at City Hall, 806 W. Main, Monroe, Washington.				
Washington	Shelton (city), Mason County FEMA)6499	Goldsborough Creek	50 feet upstream from center of 1st Street	*16
		Oakland Bay	At Shelton	*11
Maps available for inspection at Planning Department, 2nd & Franklin, Shelton, Washington.				
Washington	Tacoma (city), Pierce County FEMA-6499	Puyallup River	50 feet upstream from the center of EELLS Street	*10
		Swan Creek	50 feet upstream from the center of the Burlington Northern Railroad Bridge crossing.	*14
		Snake Lake	250 feet northwest from the intersection of S. 31st Street and Madison Street.	*298
		Wapato Lake	240 feet west of the intersection of Wapato Lake Drive and S. 68th Street.	*311
		Puget Sound	100 feet north of the intersection of 6th Avenue and Walters Drive.	*9
			200 feet northeast from the intersection of Ruston Way and 49th Street.	*9
Maps available for inspection at Planning Department, 740 St. Helens, Tacoma, Washington.				
Washington	Walla Walla County (unincorporated areas) FEMA-6499.	Walla Walla River (at Touchet)	300 feet upstream from center of Gardena Highway	*439
		Walla Walla River (near College Place).	100 feet upstream from center of Whitman Road	*612
			100 feet upstream from center of Peppers Bridge Road.	*773
		Touchet River (at Touchet)	At the intersection of Hawley and Conrad Roads	*457
		Touchet River (near Waitsburg)	Approximately 850 feet south from intersection of U.S. Highway 12 and Dewitt Road.	*1,284
		Lower Mill Creek	50 feet upstream from center of Last Chance Road	*666
			75 feet upstream from center of Gose Street	*808
		Upper Mill Creek	200 feet upstream from center of Mill Creek Dam	*1,265
			75 feet upstream from center of Sevenmile Road	*1,486
			50 feet upstream from center of New Wickersham Bridge.	*1,835
		Yellowhawk Creek	50 feet upstream from center of Old Milton Highway	*735
		Cottonwood Creek	50 feet upstream from center of South Braden Road	*872
		Russell Creek	50 feet upstream from center of South 3rd Avenue	*893
			50 feet upstream from center of Depping Road	*1,032
		Russell Creek Overflow Area	300 feet upstream from center of School Avenue	*1,006
		Reser Creek	50 feet upstream from center of South Wilber Street	*976
		Coppei Creek	50 feet upstream from center of State Highway 124	*1,237
		Dry Creek (at Dixie)	At the intersection of creek and U.S. Highway 12	*1,539
Maps available for inspection at the Engineering Department, 314 West Main, Walla Walla, Washington.				
West Virginia	Bramwell, town, Mercer County (Docket No. FEMA-6499).	Bluestone River	Downstream corporate limits	2,239
			Upstream side of U.S. Highway 52 bridge	2,242
			Upstream side of Duhring Street bridge	*2,248
			Upstream side of Pocahontas Avenue bridge	*2,255
			Upstream corporate limits	*2,259
Maps available for inspection at the Town Hall, Bramwell, West Virginia.				
West Virginia	Brooke County (Docket No. FEMA-6499)	Ohio River	Downstream Countr boundary	*663
			Upstream of Norfolk and Western Railway	*668
			Downstream of Steubenville Highway	*670
			Upstream of upstream CONRAIL bridge	*672
		Cross Creek	At confluence with Ohio River	*668
			Upstream of Cross Creek Road (second upstream crossing).	*678
			Upstream of County Highway 7-6	*705
			Upstream of Potrock Road	*727
			Upstream of Norfolk and Western Railway (most upstream crossing).	*750
			Downstream of County boundary	*775
		Harmon Creek	At confluence with Ohio River	*672
			Upstream of State Route 2	*681
			Upstream of County Highway 1-3	*704
			Upstream of County Highway 1	*722
			Upstream of County Highway 3-1	*730
			Upstream of Wood Crib and Pier Road	*788
			Upstream Rayland Road	*612
			Downstream of upstream County boundary	*823
Maps available for inspection at the County Courthouse, Wellsburg, West Virginia.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
West Virginia	Granville, town, Monongalia County (Docket No. FEMA-6499).	Monongahela River	Downstream corporate limits	*811
			Upstream corporate limits (at confluence of Dents Run).	*812
		Dents Run	Confluence with Monongahela River	*812
			Upstream corporate limits	*818
Maps available for inspection at the Town Hall, Dents Run Road, Granville, West Virginia.				
West Virginia	Matoaka, town, Mercer County (Docket No. FEMA-6499).	Widemouth Creek	Downstream corporate limits	*2,359
			Downstream side 1st crossing of State Route 10 bridge.	*2,363
				Upstream corporate limits
				*2,366
Maps available for inspection at the Town Office, Matoaka, West Virginia.				
West Virginia	Oakvale, town, Mercer County (Docket No. FEMA-6499).	East River	Downstream corporate limits	*1,703
			Downstream side of downstream access road bridge	*1,729
			Upstream corporate limits	*1,754
Maps available for inspection at the Oakvale Post Office, Oakvale, West Virginia.				
Wisconsin	(V) Suring, Oconto County (Docket No. FEMA-6499)	Oconto River	About 0.40 mile downstream of Main Street	*795
			About 500 feet upstream of the confluence of Peshtigo Brook.	*797
Maps available for inspection at the Village Hall, Suring, Wisconsin.				

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Appeals of the proposed base flood elevations were received and have been resolved by the Agency.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Williams (city) Coconino County FEMA-6356	Cataract Creek	Intersection of 3rd Street and Edison Avenue	#1
		Cataract Creek Tributary	100 feet upstream from center of Upper Saginaw Dam	*6,895
		Santa Fe Wash East	Intersection of Quarterhorse Drive and Homestead Road.	*6,734
		Santa Fe Wash West	Intersection of Fulton Avenue and Plum Street	*6,739
		Cemetery Wash	100 feet upstream from center of U.S. Highways 66 and 89.	*6,779
Maps available for inspection at Office of Building Inspection, 113 South First Street, Williams, Arizona.				
California	Roseville (city) Placer County FEMA-6143	Antelope Creek	150 feet upstream from center of the Southern Pacific Railroad.	*161
		Cirby Creek	175 feet upstream from center of Oak Ridge Drive	*139
		Dry Creek	50 feet upstream from center of Atkinson Street	*120
			Intersection of Dry Creek and center of Folsom Road	*145
		Linda Creek	100 feet upstream from center of Rocky Ridge Drive	*153
		Miners Ravine	100 feet upstream from center of Interstate Highway 80.	*161
		Secret Ravine	Intersection of Secret Ravine and center of Private Road.	*169
		South Branch Pleasant Grove Creek.	120 feet upstream from center of Diamond Oaks Road	*127
		Strap Ravine	100 feet upstream from center of McLaren Drive	*155
Maps available for inspection at Department of Public Works, 316 Vernon Street, Roseville, California.				
Florida	Jacksonville (city), Duval County, FEMA-6376	Atlantic Ocean	At confluence of Deese Creek and Nassau River	*14
			At confluence of Pumpkin Hill Creek with Nassau River.	*14
			At Bird Island on Nassau Sound	*15
			200 feet upstream from Mink Creek confluence with Nassau River.	*13
			At confluence of Thomas Creek with Seaton Creek	*11
			1,200 feet west of Edwards Creek confluence with Pumpkin Hill Creek.	*11
			1,250 feet north of intersection of Yellow Bluff Road with State Highway 5.	*12
			150 feet east of intersection of Shellcracker Road with Croaker Road.	*10
			At intersection of Heckshar Drive with Edgewood Drive	*10
			100 feet north of intersection of McKenna Drive with State Highway 105.	*9
			200 feet east of intersection of Tomas Drive with Inlet Drive.	*8
			At intersection of Ramoth Drive with Palm Glenn Road	*7
		McGirts Creek (Ortega River)	50 feet upstream from center of Kirwin Road	*15

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			200 feet upstream from center of State Highway 8	*63
		Sixmile Creek	100 feet upstream from center of Bluffs Bay Highway	*25
		North Fork Sixmile Creek	200 feet upstream from center of State Highway 117 South.	*38
		Ribault River	At intersection of Ribault Scenic Drive with Helson Drive.	*7
		McCoys Creek	At intersection of Lemon Street with McCoys Boulevard.	*9
		North Branch McCoys Creek	150 feet upstream from center of Live Oak Avenue	*19
		Southwest Branch McCoys Creek	100 feet upstream from center of U.S. Highway 10	*13
		Strawberry Creek	At the center of Mill Creek Lane crossing	*35
		Red Bay Branch	100 feet upstream from center of Star Road	*11
		Goodbys Creek	At intersection of Lafitt Drive with Prayer Drive South	*15
		Northwest Branch Goodbys Creek	100 feet upstream from center of Old Kings Road South.	*13
		South Fork Goodbys Creek	At center of Sunbeam Road crossing	*23
		East Branch Goodbys Creek	100 feet upstream from center of Craven Road	*18
		Cormorant Branch	At center of Old Acosta Road crossing	*12
		Oldfield Creek	At center of St. Joseph Road crossing	*15
		Pablo Creek/Intracoastal Waterway.	250 feet north of confluence of Pablo Creek with Boathouse Creek.	*9
			At confluence of Pablo Creek with Boathouse Creek	*8
			300 feet north of intersection of Riverview Drive with Atlantic Boulevard.	*7
			At confluence of Debilieu Creek with Intracoastal Waterway.	*6
			At intersection of Agua Vista Drive with Pablo Terrace	*5
			At confluence of Sandy Run with Open Creek	*4
Maps available at the Engineering Department, 220 E. Bay Street, Room 100, Jacksonville, Florida.				
Texas	Paris, city, Lamar County (Docket No. FEMA-6073)	Big Sandy Creek	Corporate Limits	*494
			Confluence of Big Sandy Creek Tributary No. 3	*507
			27th Street Southeast	*519
			Confluence of Big Sandy Creek Tributary No. 7	*529
			Polk Street	*554
			Approximately 250' upstream of Woodlawn Street	*571
		Big Sandy Creek Tributary No. 2	Confluence with Big Sandy Creek	*502
			Upstream of U.S. Highway 271	*519
			Approximately 625' upstream of U.S. Route 82	*546
		Big Sandy Creek Tributary No. 3	Confluence with Big Sandy Creek	*507
			Downstream of Mahaffey Lane	*525
			Upstream of Houston Street	*557
		Big Sandy Creek Tributary No. 4	Confluence with Big Sandy Creek	*514
			27th Street Southeast	*533
			Approximately 880' upsteam of Price Street	*562
		Big Sandy Creek Tributary No. 6	Confluence with Big Sandy Creek Tributary No. 4	*536
			Approximately 50' upstream of Cherry Street	*568
		Big Sandy Creek Tributary No. 7	Confluence with Big Sandy Creek	*529
			17th Street Northeast	*563
			Approximately 875' upstream of 17th Street Northeast	*589
		Big Sandy Creek Tributary No. 8	Confluence with Big Sandy Creek	*546
			Upstream of Hearon Street	*560
			Approximately 1,050' upstream of Hearon Street	*574
		Baker Branch	Corporate Limits	*503
			Upstream of Old Brookston Road	*513
			Confluence of Baker Branch Tributary No. 10	*536
			Approximately 980' upstream of Bonham Street	*572
		Baker Branch Tributary No. 10	Confluence with Baker Branch	*536
			Approximately 550' upstream of Sherman Street	*560
		Baker Branch Tributary No. 24	Confluence with Baker Branch	*506
			7th Street Southwest	*514
		Cottonwood Branch Tributary No. 11.	Corporate Limits	*521
			Texas and Pacific Railroad	*533
			Upstream Sherman Street	*571
			Approximately 375' upstream of Austin Street	*584
		Pine Creek Tributary No. 12	Corporate Limits	*506
			Approximately 2,750' upstream of Campbell Street	*524
		Pine Creek Tributary No. 13	Confluence with Pine Creek Tributary No. 12	*508
			28th Street, N.W. (Downstream side)	*557
			Approximately 50' upstream of 28th Street Northwest	*558
		Smith Creek	Approximately 450' downstream of downstream Corporate Limits.	*508
			Park Street (downstream)	*527
			Shiloh Street (upstream)	*569
			Approximately 475' upstream of Cherry Street	*587
		Smith Creek Tributary No. 15	Corporate Limits	*524
			Shiloh Street	*554
			Approximately 3,250' upstream of Houston Street	*589
		Smith Creek Tributary No. 16	Corporate Limits	*524
			Approximately 750' upstream of Henderson Street	*539
		Stillhouse Creek	Corporate Limits	*504
			Center Street	*533
			Approximately 300' upstream of Provine Street	*573
		Stillhouse Creek Tributary No. 18	Confluence with Stillhouse Creek	*507
			Belmont Street	*563
			Approximately 750' upstream of Booth Street	*585
		Stillhouse Creek Tributary No. 20	Corporate Limits	*514
			Upstream of Ridgeview Street	*573
		Stillhouse Creek Tributary No. 21	Confluence with Stillhouse Creek Tributary No. 20	*530
			Approximately 200' upstream of Fairfax Street	*581

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Stillhouse Creek Tributary No. 22	Corporate Limits	*507
			Upstream of Loop Highway 286	*537
		Stillhouse Creek Tributary No. 23	Confluence with Stillhouse Creek Tributary No. 22	*522
			Loop Highway 286	*539

Maps available for inspection at the Office of the City Manager, City Hall, 131 First S.E., Paris, Texas.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Texas	City of San Antonio, Bexar County (FEMA-6401)	San Antonio River	Just upstream of Interstate Highway 410 westbound lanes.	*515
			Approximately 150 feet downstream of S.E. Military Drive (Loop 13).	*547
			Approximately 200 feet upstream of Southcross Boulevard.	*567
			Just upstream of Alamo Street	*625
			Just downstream of Interstate Highway 37	*660
			Just downstream of Olmos Dam	*686
		Olmos Creek	Just upstream of Olmos Dam	*726
			Approximately 100 feet upstream of Montview Drive	*749
			Approximately 100 feet downstream of Jackson Keller Road.	*772
			Just upstream of Dreamland Drive	*823
			Just downstream of George Road	*865
		Sixmile Creek	Approximately 150 feet downstream of Ashley Road (most downstream crossing).	*541
			Approximately 150 feet upstream of Roosevelt Avenue	*567
			Just downstream of Moursund Avenue	*588
			Just upstream of Interstate Highway 35 southbound frontage road.	*645
		South Flores Tributary—Sixmile Creek.	Approximately 300 feet upstream of confluence with Sixmile Creek.	*570
			Just upstream of South Flores Street	*595
		Commercial Tributary—Sixmile Creek.	Just upstream of West Petaluma Boulevard	*607
			Approximately 200 feet downstream of Grosvenor Blvd	*637
		State Hospital	Just downstream of Southern Pacific Railroad	*555
			Approximately 200 feet upstream of U.S. Route 181	*563
			Approximately 200 feet downstream of South New Braunfels Street.	*582
		San Pedro Creek	Approximately 100 feet downstream of Interstate Highway 10 eastbound lanes (most downstream crossing).	*598
			Just upstream of Furnish Street	*614
			Just upstream of West Cevallos Street	*622
			Just upstream of Guadalupe Street	*632
			Just upstream of Dolorosa Street	*647
			Just upstream of West Cypress Street	*651
		Apache Creek	Approximately 100 feet downstream of South Brazos Street.	*628
			Just upstream of U.S. Highway 90	*661
		Zarzamora Creek	Approximately 100 feet downstream of General McMullen Drive.	*668
			Just upstream of N.W. 36th Street	*681
			Just upstream of Fortuna Street	*689
			Just upstream of Ingram Road	*774
			Just downstream of Callaghan Road	*798
			Just upstream of Babcock Road	*885
		Alazan Creek	Just upstream of El Paso Street	*629
			Just upstream of Ruiz Street	*654
			Just upstream of Poplar Street	*662
			Just downstream of Huisache Avenue	*691
			Approximately 150 feet downstream of St. Cloud Road	*699
		Martinez Creek	Just downstream of Ruiz Street	*653
			Just downstream of Interstate Highway 10 eastbound lanes (downstream crossing).	*689
			Just upstream of Fresno Drive	*705
		Bandera Branch	Just upstream of N.W. 25th Street	*668
			Approximately 200 feet upstream of Delgado Street	*679
		Upper Apache Creek	Just upstream of Ruiz Street	*676
			Approximately 80 feet upstream of Culebra Road	*714
		Zarzamora Creek—Tributary A	Just downstream of Horseshoe Bend	*794
			Just downstream of intersection of Bandera and Callaghon Roads.	*811
			Just upstream of Evers Road	*817
			Just upstream of Interstate Highway 410 westbound frontage road.	*851
		Airport Tributary	Just upstream of Jones-Maltzberger Road	*726
			Just downstream of North Expressway (Upstream Crossing).	*735
			Just upstream of Chulie Drive	*742
			Just upstream of Northern Drive	*757
		Tributary A—Airport Tributary	Just downstream of Shannon Lee Drive	*730
		Rock Creek	Just upstream of Southern Pacific Railroad	*782
			Just downstream of Vance Jackson Road	*794
			Just downstream of Callaghon Road	*825
		U.T.S.A. Tributary—Leon Creek	Approximately 1,000 feet upstream of U.T.S.A. Boulevard.	*951
			Approximately 100 feet downstream of Charles W. Anderson Drive.	*992
		West Fork Olmos Creek	Just upstream of Wurzbeck Road (downstream crossing).	*846

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Orsinger Lane	*882
			Just downstream of De Zarala Road	*933
		Salado Creek	Just downstream of S.E. Military Drive (Loop 13)	*561
			Just downstream of Rigsby Avenue (U.S. Highway 87)	*599
			Just downstream of East Commerce Street	*620
			Just downstream of Rittman Road	*672
			Just upstream of Interstate Highway 410	*704
			Just upstream of Bitter Road (downstream crossing)	*741
			Approximately 100 feet downstream of West Avenue	*805
		Tributary A—Salado Creek	Just downstream of Talisman Road	*603
		Tributary B—Salado Creek	Just upstream of Artesia Avenue	*605
			Approximately 100 feet downstream of Interstate Highway 10.	*615
		Tributary C—Salado Creek	Just downstream of Monson Road	*649
		Fort Sam Houston Tributary—Salado Creek.	Just downstream of Hardee Road	*660
		Walzem Creek	Approximately 70 feet upstream of Eisenhaver Road	*663
			Just upstream of Lanark Drive	*701
		Beitel Creek	Just upstream of Perrin Beitel Road	*699
			Just upstream of Schertz Road	*765
		Tributary A—Beitel Creek	Just upstream of Randolph Boulevard	*761
		Quail Creek	Just upstream of Interstate Highway 410	*710
		Tributary D—Salado Creek	Approximately 200 feet upstream of Harry Wurzbach Road.	*720
			Just upstream of Haskin Road	*732
		Tributary E—Salado Creek	Approximately 120 feet upstream of Nacogdoches Road.	*730
		Tributary F—Salado Creek	At Briarway Road extended	*730
		Mud Creek	Just downstream of Buckhorn Road	*757
			Just upstream of Jones—Maltzberger Road	*813
		Lorence Creek	Approximately 100 feet upstream of Jones-Maltzberger Road.	*774
			Just upstream of Shadow Cliff	*813
		U.S. 281 Tributary—Salado Creek	Just downstream of U.S. Highway 281	*785
		Leon Creek	Approximately 100 feet upstream of Interstate Highway 410 (downstream crossing).	*592
			Just downstream of Berman Drive	*642
			Just downstream of Castroville Highway	*700
			Just downstream of Interstate Highway 410 (upstream crossing).	*742
			Just downstream of Interstate Highway 10	*997
		Westwood Village Creek	Approximately 100 feet downstream of Pinn Road	*709
		Southwest Research Creek	Just upstream of Pinn Road	*714
			Approximately 80 feet downstream of Military Drive	*729
		Culebra Creek	Approximately 100 feet upstream of Culebra Raod (downstream crossing).	*805
		Huebner Creek	Just upstream of Huebner Road	*844
			Just downstream of Lockhill Road	*906
		Indian Creek	Just downstream of Interstate Highway 35 (eastbound crossing).	*817
		Tributary A—Huebner Creek	Just downstream of Babcock Road	*865
		Tributary B—Huebner Creek	Just upstream of Oakland Road	*876
		French Creek	Approximately 100 feet upstream of South Hausman Road.	*920
		Tributary A—French Creek	Approximately 120 feet upstream of FM 1604	*938
		Tributary B—French Creek	Just upstream of FM 1604	*941
		Huesta Creek	Just upstream of Babcock Road (downstream crossing).	*935
			Just upstream of Hausman Road	*956
			Approximately 80 feet upstream of FM 1604	*989
		Babcock Tributary—Leon Creek	Just downstream of Hausman Road	*951
			Just upstream of U.T.S.A. Boulevard	*969
			Just upstream of Babcock Road	*1,007

Maps available for inspection at Director of Public Works Office, City Hall, Dolorosa and South Flores Streets, San Antonio, Texas 78285.

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

Issued: July 8, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-20252 Filed 7-27-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

Amateur Radio Service; Editorial Amendment of Part 97 of the Commission's Rules; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects an error in an Order relating to the amateur radio service published in the **Federal Register** on June 29, 1983, 48 FR 29873, amending a rule section regarding station log requirements that had been deleted previously in a prior Commission action published in the **Federal Register** on June 9, 1983, 48 FR 26606.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, FCC, Washington, D.C. 20554, (202) 632-4964.

Erratum

In the matter of editorial amendment of 47 CFR Part 97, Amateur Radio Service.

Released: July 20, 1983.

On June 22, 1983, the Commission released an Order in the above-captioned proceeding (48 FR 29873; June 29, 1983). Item 11 of the Appendix to that Order inadvertently amended, effective July 15, 1983, the wording in § 97.103(c). This was an error since § 97.103 had previously been deleted, in its entirety, in another proceeding (See the Report and Order in PR Docket No. 82-726, released June 6, 1983, and effective June 9, 1983; 48 FR 26606, June 9, 1983).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-20194 Filed 7-27-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 30701-122]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon and California

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce issues this notice to close the commercial fishing season for coho salmon in the fishery conservation zone (FCZ) between Cape Kiwanda, Oregon, and the Orgeon-California Border on July 25, 1983. The Director, Northwest Region, National Marine Fisheries Service has determined that the commercial quota of 297,000 coho salmon for the area will be reached by midnight, July 25. This action is necessary to ensure that this quota for coho salmon is not exceeded in 1983 and is required by Federal regulations.

EFFECTIVE DATES: Closure of the area from Cape Kiwanda, Oregon to the Oregon-California Border to commerical fishing for coho salmon is effective at 2400 hours Pacific Daylight Time (P.d.t.), July 25, 1983.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins (Director, Northwest Region, National Marine Fisheries Service), 7600 Sand Point Way, BIN C15700, Seattle, Washington 98115; telephone 206-527-6150.

SUPPLEMENTARY INFORMATION: Emergency regulations to manage the ocean commercial and recreational salmon fisheries off the coasts of Washington, Oregon, and California were published in the **Federal Register** (48 FR 21135) on May 11, 1983. These emergency regulations were effective on May 23, 1983, for a 90-day period and may be extended for an additional 90 days.

The emergency regulations specify at § 661.22(a)(2) that when the Director, Northwest Region, National Marine Fisheries Service (Regional Director), projects that a quota is to be reached by a certain date, the Secretary of Commerce (Secretary) shall, by publishing a notice in the **Federal Register**, close the fishery as of the date the quota will be reached.

The coho quota for the commercial fishery in the area from Cape Kiwanda, Oregon to the Oregon-California Border is 297,000 coho salmon, as shown in Table 3, § 661.22(a)(1). The Regional Director has determined there is no basis for adjusting this quota as provided for in § 661.22(b)(1), with respect to the contribution of private hatchery coho to the quota. Based on the most recent catch and effort information supplied by the Oregon Department of Fish and Wildlife (ODFW), the commercial fishery in the area is projected to reach the 297,000 coho salmon quota by midnight July 25, 1983. The Secretary therefore issues this notice that the commercial fishery in the area from Cape Kiwanda to the Oregon-California Border will be closed to coho salmon fishing effective midnight, July 25, 1983. For the area south of Cape Perpetua to the Oregon-California border, the commercial troll fishery remains open for Salmon other than coho using plugs not less than five inches in length or whole baits. The area from Cape Falcon to Cape Perpetua is closed to all commercial trolling until August 1.

This notice does not affect seasons for other areas specified in the 1983 regulations. Consultations have been held with the Director of ODFW and representatives of the Pacific Fishery Management Council regarding this closure. The Director of ODFW has indicated Oregon will close the commercial fishery to coho salmon fishing inside 3 miles at the same time this action closes Federal waters outside 3 miles.

As provided under § 661.22(e), all information and data relevant to this notice of closure have been complied in aggregate form and are available for public review at the above address during normal working hours.

This action is taken under the authority of 50 CFR 661.22, and is taken in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fish, Fisheries, Fishing, Indians.

(16 U.S.C. 1801 et seq.)

Dated: July 25, 1983.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-20525 Filed 7-26-83; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 146
Thursday, July 28, 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 439

[Amdt. No. 2]

Almond Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the Almond Crop Insurance Regulations (7 CFR Part 439), effective for the 1984 and succeeding crop years, by: (1) Changing the policy to make it easier to read, (2) adding volcanic eruption as an insured cause of loss, (3) addition of a provision permitting the determination of indemnities based on the acreage report rather than at loss adjustment time, (4) adding a provision to provide a coverage level if the insured does not select one, (5) adding a 60-day claim for indemnity provision, (6) adding a hail/fire provision for appraisals on uninsured causes, (7) changing the cancellation and termination dates to conform with farming practices, (8) providing that any change in the policy will be available in the service office by a certain date, (9) adding of a definition of "service office," (10) providing for unit determination when the acreage report is filed, and, (11) adding of a section on "descriptive headings."

In addition, FCIC proposes to issue a new subsection in the almond crop insurance regulations to contain the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The intended effect of this rule is to update the policy for insuring almonds in accordance with Secretary's Memorandum No. 1512-1, requiring a review of the regulations as to need, currency, clarity, and effectiveness, and to comply with OMB regulations requiring publication of OMB control numbers assigned to information collection requirements in these regulations.

DATE: Written comments on this proposed rule must be submitted not later than September 26, 1983, to be sure of consideration.

ADDRESSES: 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, had 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 business, 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 439

Crop insurance, Almond.

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 Almond Crop Insurance Regulations, effective for the 1984 and succeeding crop years, in the following instances:

PART 439—[AMENDED]

1. The Authority citation for 7 CFR Part 439 is:

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

2. 7 CFR Part 439 is amended in the Table of Contents thereof by removing the word "Reserved" from Section 439.3 and inserting, in its place, the words "OMB control numbers assigned pursuant to the Paperwork Reduction Act".

3. 7 CFR § 439.3 is amended by removing the word "Reserved" in the title thereof and inserting, in its place, the following:

§ 439.3 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

The information collection requirements contained in these regulations (7 CFR Part 439) 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.

4. 7 CFR 439.7(d) is amended by removing the Almond Crop Insurance Policy therein and inserting the following:

Department of Agriculture Federal Crop Insurance Corporation

Almond 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) wildlife; (4) earthquake; (5) volcanic eruption; or (6) direct Mediterranean Fruit Fly damage, unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(4). Direct Mediterranean Fruit Fly damage shall be actual physical damage to the almonds which, causes such almonds to be considered unmarketable and shall not include unmarketability of such almonds as a direct result of a quarantine, boycott or refusal to accept the almonds by any entity without regard to physical damage to such almonds.

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 almond 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 almonds which are grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year shall be almonds grown 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 almonds at the time insurance attaches.

d. We do not insure any acreage:

(1) Which is not irrigated; or

(2) On which the trees have not reached the seventh growing season after being set out.

e. Insurance may attach only by written agreement with us on any acreage with less than 90 percent of a stand, based on the original planting pattern.

f. We do not insure any loss of production caused by failure: (1) to carry out good almond irrigation practice, except failure of water after planting due to unavoidable causes; or (2) the breakdown of irrigation equipment or facilities.

g. 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 date insurance attaches.

3. Report of Acreage, Share, Yield, and Practice

You shall report on our form:

a. All the acreage of almonds in the county in which you have a share;

b. The practice;

c. Your share at the time insurance attaches; and

d. The total production from the preceding crop year's insurable acreage on each unit.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any almonds grown in the county. This report shall be submitted annually on or before December 31. 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 on the date 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 on the date insurance attaches, 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 previous 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

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 previous crop year	Percentage adjustment factor for current 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-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 orchard operation; or

(3) Your contract if you stop orchard operations in one county and start orchard operations 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 on insured acreage attaches for each crop year on December 11 and ends at the earliest of:

a. Total destruction of the almonds;

b. Harvest of the almonds;

c. Final adjustment of a loss; or

d. November 30.

8. Notice of Damage or Loss

a. In case of damage or probable loss:

(1) You must give us written notice if during the period before harvest, the almonds on any unit are damaged and you decide not to further care for or harvest any part of them;

(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 or if damage occurs during harvest, immediate notice shall be given.

(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 almonds on the unit;

(b) Harvest of the unit; or

(c) November 30.

b. 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 prescribed form not later than 60 days after the earliest of:

(1) Total destruction of the almonds on the unit;

(2) Harvest of the unit; or

(3) November 30.

b. We shall not pay any indemnity unless you:

(1) Establish the total production of almonds 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 almonds to be counted (see section 9e);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this product 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) Appraised production to be counted shall include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured caused and failure to follow recognized good almond 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 caused; and

(c) Any appraised production on unharvested acreage.

(2) Any appraisal we have made on insured acreage shall be considered production to count unless such appraised production:

(a) Is marketed; or

(b) Is further damaged by an insured cause.

(3) Almonds which cannot be marketed due to insurable causes, as determined by us, shall not be considered production.

(4) When you have elected to exclude hail and fire as insured causes of loss and the almonds 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".

(5) The commingled production of units shall be allocated to such units in proportion to our 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 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 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 contact without regard to any other insurance; or

(2) The amount 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.

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 occured.

11. Transfer of Right To Indemnity on Insured Share

If your 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 premimum 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 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, shipment, sale or other disposition of all almonds 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 concellation 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 the 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 December 10.

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 jont 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 will provide the price election which you shall be deemed to have elected. All contract changes shall be available at your service office by August 31 preceding the cancellation date. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the coantract.

17. Meaning of Terms

For the purposes of almond crop insurance:

a. "Acturial 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 almond insurance in the county.

b. "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way shall be considered contiguous.

c. "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.

d. "Crop year" means the period beginning with the date insurance attaches and extending through the normal harvest time and shall be designated by the calender year in which the almonds are normally harvested.

e. "Harvest" means the removal of the almonds from the orchard.

f. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

g. "Insured" means the person who submitted the application accepted 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 almonds or a share of the proceeds therefrom.

k. "Total meat pounds" means the total good almond meats (kernels) and rejects, in pounds, and shall include both loose (whole and chipped) and inshell meats. Unshelled almonds shall be converted to meat pounds.

l. "Unit" means all insurable acreage of almonds in the county located on contiguous land on the date insurance attaches 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, and a fixed commodity payment, or any consideration other than a share in the almonds 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. Units will be determined 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. Determinations

All determinations required by the policy shall be made by us. If you disagree with our determinations you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations to be published soon in the **Federal Register.**

20. Notices

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Approved by the Board of Directors on April 26, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: July 22, 1983.

Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 83-20464 Filed 7-27-83; 8:45 am]

BILLING CODE 3410-08-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-83-5]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitons for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before September 26, 1983.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. —, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB-10A),

Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of §11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on July 22, 1983.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Description for the petition
23651	Howard Goldstock Regulations affected: 14 CFR 91.79(d) Petitioner's reason for rule: Petitioner believes that low altitude helicopter operations over assemblies of persons is dangerous because of the potential for engine failure and, in the case of multiple helicopter operations, the added potential for midair collision.	Description of petition: To amend § 91.79(d) so that helicopters would be required to comply with subsection (b), over congested areas.

PETITIONS FOR RULEMAKING: WITHDRAWN OR DENIED

Docket No.	Petitioner	Description and disposition of the rule requested
23619	David M. Lagger	Description of petition: To add a requirement that all turbojet aircraft operators who operate maintenance programs as outlined in § 91.169 (e) and (f) have a certificated and qualified Airframe and Powerplant Mechanic on their staff. In addition, the mechanic must be trained on the specific equipment to be operated and perform preflight, postflight, and daily inspections as required in Chapter 5 of the manufacturer's maintenance manual. Withdrawn 5/31/83.
23525	Leonard E. Wolff	Description of petition: Amendment of § 21.191 to allow operation of an aircraft of which 41% has been fabricated and assembled by persons who have constructed the aircraft solely for the purpose of their own education or recreation. Withdrawn 6/20/83.
23071	South Central Chapter of the American Assn. of Airport Executives (AAAE).	Description of petition: This petition requests a change to FAR Part 139.51(b). FAR Part 139 is: "Certification and Operations: Land Airports Serving CAB-Certificated Air Carriers." Section 139.51(b) requires that the applicant for an airport operating certificate show that the airport fueling agent, be it the applicant or a tenant, has trained personnel and adequate procedures. The change requested is to relieve the certificate holder (the airport operator) of any responsibility with respect to this subpart unless the airport operator itself is the fueling agent. If fueling operations on a certificated airport were conducted by a tenant (fixed base operator (FBO), concessionaire, etc.), that organization would be totally responsible for safe fueling. Denied 7/5/83.

[FR Doc. 83-20402 Filed 7-27-83; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Parts 71, 91, 103, and 105

[Docket No. 23708; Notice No. 83-9]

Special Federal Aviation Regulation; Model B Airspace (Airport Radar Service Area)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to designate airspace within which each person operating an aircraft must maintain two-way radio communications with the ATC facility having jurisdiction over that airspace. Arriving and overflying aircraft will have to establish two-way radio communications prior to entering the designated airspace. Aircraft departing satellite airports within the designated airspace will be required to establish two-way radio communications as soon as possible. Ultralight vehicle and parachute jump operations in the designated airspace will not be allowed except under the terms of an ATC authorization. These actions are proposed to be effective for 1 year beginning December 22, 1983, at Austin, Texas, and January 19, 1984, at Columbus, Ohio, airports for the purpose of confirming for national applicability certain recommendations of the National Airspace Review, Terminal Airspace Task Group 1-2.2. Within this proposed designated airspace, ATC will, in addition to the services and separation currently applied to aircraft operating under instrument flight rules (IFR) and when radar is operating, resolve any potential conflict between an aircraft operating under IFR and an aircraft operating under visual flight rules (VFR), as well as provide traffic advisory services and arrival sequencing to all aircraft. These services will be mandatorily applied by ATC and pilots will be required to comply with any ATC clearance or instruction while operating in the designated airspace. Should the operational confirmation demonstrate national applicability and feasibility, appropriate general rulemaking actions would follow. It must be emphasized that during the effective periods of the Special Federal Aviation Regulation (SFAR), any one or all of the actions proposed herein may be suspended temporarily, or revoked by NOTAM for reasons of safety or efficiency.

DATE: Comments must be received on or before August 29, 1983.

ADDRESSES: Comments on the proposal may be mailed or delivered in duplicate to: Federal Aviation Administration, Office of Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 23708, 800 Independence Avenue, S.W. Washington, D.C., Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Davis, Airspace-Rules and Aeronautical Information Division, AAT-200, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C., telephone (202) 426-3128

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in

developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental and energy aspects of the proposal. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 23708." The postcard will be date/time stamped and returned to the commenters. All communications received before the specified closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Note—The FAA has determined that a 30-day period for receiving public comments is sufficient because: (1) This proposal contemplates only temporary changes affecting only two locations; and (2) the aviation community has been involved in the development of the recommendations contained herein and which are the basis of this proposal.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Background

On April 22, 1982, the National Airspace Review (NAR) plan was published in the **Federal Register** (47 FR 17448). The plan encompassed a review of airspace use and the procedural aspects of the air traffic control (ATC) system. The three main objectives of the NAR are:

(1) To develop and incorporate into the air traffic system a more efficient relationship between traffic flows, airspace allocation, and system capacity. This will involve the use of improved air traffic flow management to maximize system capacity and improved airspace management.

(2) To review and eliminate, wherever possible, governmental restraints to system efficiency levied by Federal Aviation Regulations (FAR) and FAA directives—reducing complexity and simplifying the ATC system.

(3) To revalidate ATC services within the National Airspace System with respect to state-of-the-art and future technological improvements. This will entail a complete review of separations criteria, Terminal Control Area/Terminal Radar Service Area (TCA/TRSA) requirements, IFR/VFR services to the pilot, etc.

Organizations participating in the NAR task groups are:

Federal Aviation Administration
Department of Defense
Air Transport Association
National Business Aircraft Association
Regional Airline Association
Aircraft Owners and Pilots Association
Experimental Aircraft Association
Helicopter Association International

NAR Recommendations Pertaining to the Proposal

The comprehensive plan contains an administrative structure and detailed task assignments which have resulted in recommendations to the FAA, including the NAR Task Group 1-2.2 recommendations set forth below which is the subject of this NPRM.

NAR 1-2.2.1 Replace TRSAs With Model B Airspace and Services

"The Task Group recommends that the current Terminal Radar Service Area (TRSA) program—Airspace and Services—be discontinued. The Task Group further recommends that the concept identified herein as Model B Airspace and Services be implemented as replacement for the TRSA program in accordance with the recommendations to follow."

NAR 1-1.2.2 Inner Area (CORE) Size and Operating Requirements

"The Task Group recommends that the physical dimensions of the Model B Airspace Core shall be a 10 NM radius capped at 4,000 feet height above airport (HAA) from the primary airport. This airspace shall extend down to 1,200 feet above the surface except that an inner core with a 5-nautical-mile radius shall extend down to the surface. Except for aircraft departing from satellite airports/heliports within the Model B Airspace Core, all aircraft shall establish two-way radio communications with ATC prior to entering the airspace. Aircraft departing satellite airports/heliports within the surface area of the Model B Airspace Core shall establish two-way radio communications with ATC as soon as possible. Pilots must comply with approved FAA traffic patterns when departing these airports."

NAR 1-2.2.3 Outer Area Limits and Operating Requirements

"The Task Group recommends that the outer limit of Model B airspace be the same dimensions as the radar/radio coverage within each approach control's delegated airspace. While strongly encouraged, two-way radio communications is *not* a VFR requirement in the outer limits of Model B airspace and aircraft are not restricted from entering/transitting this airspace."

NAR 1-2.2.4 ATC Services

"Services provided within the Model B Airspace Core shall be as follows: sequencing of arriving aircraft; IFR be provided standard IFR separation; IFR to VFR be provided traffic advisories and conflict resolution so that targets do not merge at the same altitude; and VFR to VFR be provided traffic advisories. Furthermore, aircraft operating outside the Core but within the confines of the Outer Limits will receive Model B services upon establishing two-way radio communications and radar contact."

[NAR 1-2.2.5 Not applicable to this proposal]

NAR 1-2.2.6 Airspace Designation Criteria

"The Task Group recommends that, excluding TCA locations, all airports with an operational airport traffic control tower and currently contained within a TRSA serviced by Levell III, IV, or V radar approach control facility shall have Model B airspace designated; unless a study indicates that such designation is inappropriate for a particular location. Any other location serviced by a radar approach control facility may be considered as a candidate location for Model B airspace on the basis of a thorough staff study considering, but *not limited to* the following:

1. Traffic mix, flow, density, and volume.

2. Airport configuration, geographical features and adjacent airspace/facilities.

3. Collision risk assessment.

4. ATC capabilities to provide Model B services to the users at maximum benefit and minimum cost.

All proposed Model B airspace actions shall be subject to regional and headquarters approval. Military operated facilities will process requests through appropriate military and FAA channels. Any Model B location which fails to meet the establishing criteria for its respective location for more than 12 consecutive months, shall be subject to a regulatory review to terminate the Model B airspace designated."

NAR 1-2.2.7 Charting

"The Task Group recommends for further consideration by Task Group 1-6 that all Model B Airspace Cores be charted, and that either a visual or narrative method of identifying the Outer Limits of Model B Airspace be undertaken."

NAR 1-1.2.8 Education

"The Task Group recommends the aviation community be made aware of Model B Airspace by educational programs to support ATC operational and procedural information, phraseology, practices, and the desirability of voluntary participation. Specifically, it is recommended:

1. All FAA pilot exams and appropriate textbooks must contain a significant amount of questions and information concerning radar operation in terminal areas. Specifically, operations and procedures be included in written and practical tests for pilot certification, ratings, and reviews.

2. Specific questions and answers must be required on all flight reviews and other appropriate occasions (air carrier initial and recurrent proficiency training, pilot proficiency exams, biennial flight review, etc.) to assure that users in every aviation community have shown a current understanding of radar terminal areas and their use of these areas.

3. The FAA develop and fund a traveling air traffic team to speak to pilot groups on operations within the National Airspace System; i.e., Model B airspace. Emphasis should be given to flight instructor contact.

4. An advisory circular dealing with Model B airspace be published to include well presented, up-to-date information on operations in terminal airspace and that this advisory circular be given the widest possible dissemination to aviation users and organizations.

5. The Airman's Information Manual (AIM) be distributed free of charge to all fixed-base operators (FBO's) at all public use airports.

6. FAA Public Affairs Office develop and promote through the general news media, aviation awareness of FAA services and publications available to the pilot and general public.

7. Facts about terminal airspace in some form of questionnaire be developed and distributed by the FAA to appropriate agencies (licensed pilots, fixed-base operators, business organizations, etc.). This questionnaire could be a public relations effort, advisory circular, or included in the Airman's Information Manual.

8. FAA continue to make available to interested pilot groups training or other audio-visual aids that deal with terminal radar operations."

A copy of the task group's report is in the public docket.

The Current Situation

A Terminal Radar Service Area (TRSA) is the airspace surrounding designated airports where air traffic control (ATC) provides radar vectoring, sequencing, and separation on a full-time basis for all aircraft operating under IFR and participating aircraft operating under VFR. The NAR task group recommended the replacement of all TRSA's with Model B airspace.

Within the National Terminal Radar Program, there are three levels of service provided to aircraft operating under VFR. The first or lowest level of service is referred to as basic radar service and consists of traffic advisories and vectoring when requested by the pilot or when suggested by ATC and accepted by the pilot. This basic radar service is provided by all commissioned terminal radar facilities as an additional service.

In addition to the basic services, certain terminal radar facilities provide radar advisory and arrival sequencing to aircraft operating under VFR. This level of service, referred to as Stage II, is intended to adjust the flow of all arriving aircraft into the traffic pattern in a safe and orderly manner and to provide radar traffic information to departing aircraft operating under VFR. Pilot participation is urged but is not mandatory.

The third and highest level of service provided to aircraft operating under VFR in the terminal radar environment is known as Stage III Service. This program offers radar sequencing and separation as well as all of the other level services to all participating aircraft operating under VFR. As with the other levels of service, pilot participation is also urged but is not mandatory. Stage III is in use at all locations identified as Terminal Radar Service Areas (TRSA's) in the Airport/Facility Directory, Airman's Information Manual, and are depicted on sectional aeronautical charts.

There have been a number of problems with the TRSA program which have been identified by the task group. The task group stated that, because there are different levels of service offered within the TRSA, users are not always sure of what they are getting in terms of service; and they are not always sure of what restrictions/privileges exist, or how to cope with them. According to the task group, there is a feeling shared among users that TRSA's are often poorly defined, generally dissimilar in dimensions and encompass more area than is necesary or desirable. There are other users who believe that the voluntary nature of the TRSA does adequately address the problems associated with nonparticipating aircraft operating within relatively close proximity of the airpost and associated approach and departure courses. There is strong advocacy among user organizations that terminal radar facilities should provide all pilots the same service, in the same way, and to the extent feasible, within standard size airspace designations.

Certain provisions of FAR Section 91.87 add to the problem identified by the task group. For example, aircraft operating under VFR to or from a satellite airport in an airport trafic area (ATA) are excluded from the two-way radio communications requirement of section 91.87. This condition is acceptable until the volume and density of traffic at the primary airport dictates the installation of a radar approach control. In the past, the FAA has resorted to rulemaking under Part 93, or designated TCA airspace in otder to maintain safety and efficient utilization of airspace. Both of these actions represent one extreme end of the spectrum of needed control. On the other extreme is the simple airport traffic area with its attendant provisions in FAR Sections 91.85 and 91.87. The proposed Model B airspace and service represents a compromise action between a TCA and an ATA.

Discussion of NAR Recommendations

The FAA believes there is merit in the task group's recommendations to standardize the designation of airspace within which terminal radar air traffic services are provided and the operating rules and procedures for operations conducted within the airspace designations. Accordingly, the FAA proposes to establish Model B airspace and service at the Austin, Texas, and Columbus, Ohio, airports during a one-

year confirmation period prior to initiating general rulemaking to incorporate the recommendations into the National Airspace System. The FAA believes a more descriptive designation for the Model B airspace Core is "Airport Radar Service Area (ARSA)" and proposes to use the term for that designated airspace. The FAA's action with respect to each of the recommendations is set forth below.

NAR 1-2.2.1 Replace TRSA's With Model B Airspace and Services

As noted above, the FAA proposes to confirm the Model B airspace concept at two airports. During the 1 year period, the TRSAs at the designated lead locations will be suspended by NOTAM. To the extent the operational confirmation demonstrates a realistic standard that has national applicability, general rulemaking will be initiated to replace TRSA's with Model B airspace.

NAR 1-2.2.2 Inner Area (CORE) Size and Operating Requirements

The physical dimensions of the Model B Airspace Core and the operating requirements recommended by the task group are proposed for the lead sites.

NAR 1-2.2.3 Outer Area Limits and Operating Requirements

The Model B airspace outer limits recommended by the task group is currently designated as controlled airspace and the task group has not proposed any new operating requirements for that airspace. Therefore, rulemaking is not required. However, charts for the designated locations will be developed and analyzed during the confirmation period to determine the best way to depict the outer airspace.

NAR 1-2.2.4 ATC Services

The ATC services that the task group recommended the FAA provide within the Model B Airspace Core will be implemented for the lead locations under the FAA directives system. Within the Model B outer area limits, the same services which will be mandatorily applied by ATC in the Model B Airspace Core will be available to pilots on a voluntary participation basis. These services will be in addition to the services and separation currently applied to aircraft operating under IFR. Specifically, ATC will when radar is operating: (1) Resolve potential conflictions between aircraft operating under IFR and aircraft operating under VFR so that those aircraft s radar targets do not merge; and (2) provide traffic advisory service and arrival sequencing to aircraft.

NAR 1-2.2.6 Airspace Designation Criteria

Airspace designation criteria recommended by the task group will apply to the lead locations.

NAR 1-2.2.7 Charting

The FAA concurs that the charting of the Model B Airspace Cores be referred to NAS Task Group 1-6 for further consideration. However, during the confirmation period, the affected sectional charts should depict the Model B airspace Cores. Accordingly, the confirmation period will provide a means for developing techniques for identifying the outer area limits.

NAR 1-2.2.8 Education

Education activities will be directed toward the lead locations and the task group recommendations will be further considered in the light of information developed during the confirmation period. For the lead locations, the FAA proposes to conduct informal user briefings in the local areas affected and issue "letters to airmen" to pilots in the surrounding areas. These actions will be designed to explain the mandatory nature of the services that will be provided within the Model B Airspace Core as well as the services which will be available to participating aircraft within the Model B outer area limits.

Related Airspace Studies

Coincidentally with this action, another NAR Task Group (1-7) is considering a proposal that would classify all U.S. airspace except special use airspace. Classification of airspace has been a topic of discussion for sometime especially by the International Civil Aviation Organization (ICAO). The U.S. airspace system has become much more complicated in recent years, as it has been subdivided and modified in order to accommodate new and changing operational requirements. The objective of the U.S. airspace classification effort would be to simplify the system and provide compatible interface with bordering countries. This SFAR proposes an airspace modification that could be easily incorporated into the overall classification plan for terminal radar locations currently under consideration.

The Proposal

The proposed SFAR would describe a new type of airspace assignment, designate airspace within that description at two lead locations, Austin, Texas, and Columbus, Ohio, airports, and prescribe operating rules for aircraft, ultralight vehicles, and parachute jump operations associated with the airspace assignments. The ATC services addressed above are an essential part of the overall proposal and will be provided when radar is operating through appropriate ATC clearances, instructions, and advisories. These rules and airspace assignments will not, at this time, replace any existing Part 71 airspace rule or assignment; or any airport traffic area as defined by Part 1 and within which Part 91 rules apply. Further, operations under the proposed SFAR must comply with all other applicable regulations and rules.

For aircraft arriving at any airport within the core of Medel B (ARSA) airspace, prior to entering the core: (1) Two-way radio communications will have to be established with the ATC facility having jurisdiction over the area; and, (2) while in the core, two-way radio communications will have to be maintained with the ATC facility having jurisdiction over the area. For aircraft departing from the primary airport within the core of Model B (ARSA) airspace, two-way radio communications will have to be maintained with the ATC facility having jurisdiction over the area. For aircraft departing a satellite airport or heliport within the core, as soon as possible after takeoff, two-way radio communications will have to be established, and thereafter maintained while operating within the core, with the ATC facility having jurisdiction over the area.

All aircraft operating within the core of the Model B (ARSA) airspace wil be required to comply with all ATC clearances and instructions and any FAA arrival or departure traffic pattern for the airport of intended operation. However, the proposed rule would permit ATC to authorize appropriate deviations to any of the operating requirements of the proposed SFAR when safety considerations justify the deviation or more efficient utilization of the airspace can be attained.

Economic Impact

The FAA conducted a detailed regulatory evaluation which is included in the regulatory docket. Based on a review of local airport traffic control tower (ATCT) operations data, the National Transportation Safety Board (NTSB) accident data file and the FAA Accident/Incident Data System, the FAA has determined that the provisions of this proposal provide cost savings to society in general and certain general aviation (GA) operators that outweigh the additional cost imposed on those operators. Specifically, the benefits will be provided to society in terms of a

reduction in midair collisions (MAC's) as a result of the Airport Radar Service Area (ARSA) two-way communication requirement and arrival sequencing service. Benefits to certain GA operators will also be realized by the reduction of aircraft separation minimums as well as airspace simplicity. The provisions of this NPRM impose new costs on certain GA operators in terms of additional delays that may be incurred because of the possibility of temporary denial of access to the ARSA. Additionally, the Federal Government will incur costs associated with educating the airman populace in the lead site locations. There are no costs associated with: (1) Avionics upgrading; (2) FAA recurring program administration; (3) materials; (4) sectional charting; or (5) circuituous routing operations.

Benefits

Implementing the proposed ARSA's is expected to provide three primary benefits: (1) A reduction in MAC occurrences; (2) operating cost savings due to reduced separation minimums; and (3) airspace simplicity.

Society is expected to benefit from a reduction in MAC's as a result of the ARSA mandatory two-way communications requirement and ATC's arrival sequencing service. These provisions provide a mechanism for reducing the amount of unknown traffic and thus the incidence of MAC's.

The FAA conducted an extensive review of MAC accidents that occurred during the period of 1978–1982. Data was derived from NTSB accident reports and the FAA Accident/Incident Data System. The FAA determined that 34 accidents that would have been preventable at an ARSA location occurred at 136 airports which employ TRSA services. FAA then developed a regression analysis for these accidents per airport providing TRSA services over a 5-year period as a function of annual aircraft operations based on 1982 operations. The result of this regression analysis is a nonlinear equation that determines the annual number of expected MAC's based on annual airport operations at airports that provide TRSA services.

The equation is:

$c = .027(n)^{1.80}$

where c = annual expected number of MAC's

.027 and 1.80 = the coefficients which yielded the least error between the actual and estimated number of collisions and

n = annual operations in units of 100,000. FAA assumes n = 2.0, for Austin, Texas, and 2.6, for Columbus, Ohio, in 1984 and increases by 5 percent annually.

Solving the equation for Austin, the number of annual expected ARSA-preventable MAC's will range from 0.094 in 1984 to 0.190 in 1992, or a total 1.24 expected preventable MAC's over the 9-year period.

Solving the equation for Columbus, the number of annual expected ARSA preventable MAC's will range from 0.151 in 1984 to 0.304 in 1992, or a total of 1.98 expected preventable MAC's over the 9-year period.

Next, the FAA considered the costs of a MAC which include the value of lives lost, injuries, and aircraft damage. Based on a review of FAA and NTSB accident data, published aviation activity and cost reports, the FAA determined that the average weighted cost per MAC (assuming two GA aircraft are involved) in 1983 dollars is $1,644,000. This determination considers such factors as different types of GA aircraft, average numbers of occupants on board, probabilities of fatalities, injuries, and aircraft damage associated with relevant costs and distribution of hours flown by aircraft. By considering MAC costs associated with GA accidents only, the minimum level of benefits is derived.

Based on the above formula and GA collision costs, the undiscounted MAC cost savings in 1984 are approximately $155,000 for Austin and $248,000 for Columbus. Tables 1 and 2 depict the estimated undiscounted benefits for years 1984 through 1992 for Austin and Columbus, respectively. These estimates incorporate a 5 percent annual increase in forecasted operations.

Additionally, certain VFR operators would experience 1-minute savings in arrival time as a result of reduced separation minimums during selected nonpeak hours (operators would also benefit during peak hours; however, these benefits are examined as a tradeoff against VFR sequencing delay under costs). ATC management at the lead sites estimate that 12,480 operations at Austin and 6,240 operations at Columbus would benefit each year. Assuming an average GA aircraft variable operating cost (VOC) of $89.94 per hour,[1] which is inflated to 1983 dollars, the undiscounted cost savings in 1984 are approximately $18,700 for Austin and $9,400 for Columbus. Tables 1 and 2 depict the estimated undiscounted benefits for years 1984 through 1992 for Austin and Columbus, respectively. These estimates incorporate a 5-percent annual increase in forecasted operations.

Finally, FAA believes the simplicity of the ARSA airspace structure and the standardized services provided within the ARSA should be easier for general aviation operators to understand and operate in.

Costs

This NPRM imposes new costs on GA operators in terms of additional delay and costs on the Federal Government associated with educating the airman populace in the lead site locations.

FAA estimates that 36,000 and 8,667 VFR departure operations in 1984 will be impacted at Austin and Columbus, respectively, by requirements to contact clearance delivery for a departure frequency and departure code. The estimated time to accomplish this is approximately 1 minute per operation. FAA also estimates the value of operator time is $58.95 per hour (see footnote 1). This estimate assumes that these are GA operators and the mix of aircraft flown by these operators is 50 percent, 30 percent, 20 percent for single engine piston, multiengine piston, and turboprop aircraft, respectively. Therefore, the undiscounted cost of delay due to VFR departure requirements in 1984 is approximately $35,400 for Austin and $8,500 for Columbus. Tables 1 and 2 depict the estimated undiscounted costs for years 1984 through 1982 for Austin and Columbus, respectively. These estimates incorporate a 5 percent increase in forecasted operations.

Certain VFR operators are expected to experience some delay during peak hours resulting from arrival sequencing. FAA estimates that 9,360 Austin and 15,600 Columbus operations would be delayed an average 1.5 minutes per operation (delays of 2.5 minutes minus 1 minute gained from reduced separation). Based on a GA VOC of $89.94 per hour, the undiscounted cost of VFR arrival sequencing in 1984 is approximately $21,000 for Austin and $35,000 for Columbus. Undiscounted costs for years 1984 through 1992 are depicted in Tables 1 and 2 for Austin and Columbus, respectively. These estimates assume an annual increase of 5 percent in forecasted operations.

Certain VFR operators could experience delay resulting from being denied immediate access into the ARSA when traffic is at or near capacity. FAA estimates that 3,120 Austin and 2,080 Columbus operations would be impacted annually with an average delay time of 3 minutes per operation.

Assuming an average GA aircraft VOC of $89.94 per hour, the undiscounted cost of delay to enter a proposed ARSA in 1984 is approximately $14,000 for Austin and

[1] *Economic Value for Evaluation of FAA Investment and Regulatory Programs*, U.S. DOT, FAA, September 1981.

$9,400 for Columbus. Cost estimates are shown in Tables 1 and 2 for Austin and Columbus, respectively, for years 1984 through 1992 and assume an annual increase in operations of 5 percent.

Additionally, the Federal Government will incur a one-time only cost in 1983 to establish and provide training at Austin and Columbus. Costs include FAA salaries and fringe benefits, travel expenses, public meetings, bulletins, and letters to airmen. The estimated cost of this task is approximately $20,000 per site.

Benefit Cost Conclusion

Based on the above methodology, for Austin, the discounted value of the cost savings for the period 1983 to 1992 is approximately $1.36 million and the discounted value of the costs is $0.50 million, for a benefit cost ratio of 2.70 to 1. For Columbus, the discounted value of the cost savings for the period 1983 to 1992 is approximately $2.03 million and the discounted value of the costs is $0.40 million, for a benefit cost ratio of 5.32 to 1. This is shown in Tables 1 and 2, respectively.

FAA invites comments on the date provided and assumptions made in the regulatory evaluation.

International Trade Impact Analysis

FAA cannot discern what impact, if any, this regulation would have on international trade.

FAA invites comments on what impacts this regulation might have on the sale of foreign aviation products or services in the U.S. and impacts of the sale of U.S. aviation products and services in foreign countries.

Regulatory Flexibility Determination

The Regulatory Flexibility Act (RFA) of 1980 was enacted by Congress to ensure that small entities are not disproportionately affected by Government regulations. The RFA requires agencies to review rules which may have a "significant economic impact on a substantial number of small entities."

Small entities impacted by this proposed rule include operators of GA aircraft such as private businesses, fixed-base operators and corporate/executive operators. FAA estimates that a minimum of 30 and 40 of these operators at Austin and Columbus, respectively, conduct local and itinerant operations.

The costs incurred by operators in Austin would be net operating costs due to delay. The total undiscounted 1984 cost (in 1983 dollars) as shown in Table 1 is $51,829 (reduced separation standard benefits of $18,708 minus total delay costs of $70,537). Therefore, the average cost per operator in 1984 is $1,728. FAA applies an average cost per operator because the number of annual operations for these small entities individually is not known.

The costs incurred by operators in Columbus would be net operating costs due to delay. The total undiscounted 1984 cost (in 1983 dollars) as shown in Table 2 is $43,592 (reduced separation standard benefit of $9,354 minus total delay costs of $52,946). Therefore, the average cost per operator in 1984 is $1,090. FAA applies an average cost per operator because the number of annual operations for these small entities individually is not known.

FAA and Small Business Administration published standards do not define threshold significant regulatory costs for these operators. Based on standards recently proposed by the FAA, the lowest threshold annualized cost level for a small entity group applies. The costs per operator of $1,728 and $1,090 are below the lowest threshold.

Therefore, FAA has determined that the proposed rule will not, if adopted, have a significant economic impact on a substantial number of small entities.

TABLE 1.—ESTIMATED BENEFITS AND COSTS OF IMPLEMENTING AN ARSA AT AUSTIN, TEXAS

[1983 dollars]

Year	Number of annual operations in units of 100,000	Number of Preventable MAC's	GA accident costs—per accident
1983	N/A	N/A	$1,644,000
1984	2.00	0.094	1,644,000
1985	2.10	.103	1,644,000
1986	2.21	.113	1,644,000
1987	2.32	.123	1,644,000
1988	2.44	.134	1,644,000
1989	2.56	.145	1,644,000
1990	2.69	.160	1,644,000
1991	2.82	.174	1,644,000
1992	2.96	.190	1,644,000
Total	22.10	1.24	1,644,000

BENEFITS

Year	Reduced MAC costs	VFR separation standards	Total cost savings	Present worth discount	Discounted value
1983	0	0	0	1.00	0
1984	$154,536	$18,708	$173,244	.91	$157,652
1985	169,332	19,643	188,975	.83	156,849
1986	185,772	20,625	206,397	.75	154,798
1987	202,212	21,656	223,868	.68	152,230
1988	220,296	22,739	243,035	.62	150,681
1989	238,380	23,876	262,256	.56	146,863
1990	263,040	25,070	288,110	.51	146,936
1991	286,056	26,323	312,379	.47	146,818
1992	321,360	27,639	339,999	.42	142,800
Total	$2,031,984	$206,279	$2,238,263		$1,355,627

COSTS

Year	VFR departure delay	VFR arrival sequencing	VFR delay to enter ARSA	Federal government test site	Total costs	Present worth discount	Discounted value
1983	0	0	0	$20,000	$20,000	1.00	$20,000
1984	$35,370	$21,136	$14,031	0	70,537	.91	64,189
1985	37,139	22,193	14,733	0	74,065	.83	61,474
1986	38,995	23,302	15,469	0	77,766	.75	58,325
1987	40,945	24,468	16,243	0	81,656	.68	55,526
1988	42,992	25,691	17,055	0	85,738	.62	53,158
1989	45,142	26,975	17,908	0	90,025	.56	50,414
1990	47,399	28,324	18,803	0	94,526	.51	48,208
1991	49,769	29,740	19,743	0	99,252	.47	46,648
1992	52,258	32,228	20,730	0	105,216	.42	44,191
Total	$390,009	$234,057	$154,715	$20,000	$798,781		$502,133

TABLE 2.—ESTIMATED BENEFITS AND COSTS OF IMPLEMENTING AN ARSA AT COLUMBUS, OHIO

[1983 dollars]

Year	Number of annual operations in units of 100,000	Number of preventable MAC's	GA accident costs—per accident
1983	N/A	N/A	$1,644,000
1984	2.60	0.151	$1,644,000
1985	2.73	.165	$1,644,000
1986	2.87	.180	$1,644,000
1987	3.01	.196	$1,644,000
1988	3.16	.214	$1,644,000
1989	3.32	.234	$1,644,000
1990	3.48	.255	$1,644,000
1991	3.66	.279	$1,644,000
1992	2.84	.304	$1,644,000
Total	28.67	1.978	$1,644,000

BENEFITS

Year	Reduced MAC costs	VFR separation standards	Total cost savings	Present worth discount	Discounted value
1983	0	0	0	1.00	0
1984	$248,244	$9,354	$257,598	.91	$234,414
1985	271,260	9,822	281,082	.83	233,298
1986	295,920	10,313	306,233	.75	229,675
1987	322,224	10,829	333,053	.68	226,476
1988	351,816	11,370	363,186	.62	225,175
1989	384,696	11,939	396,635	.56	222,116
1990	419,220	12,536	431,756	.51	220,196
1991	458,676	13,162	471,838	.47	221,764
1992	499,776	13,820	513,596	.42	215,710
Total	$3,251,832	$103,145	$3,354,977		$2,028,824

COSTS

Year	VFR departure delay	VFR arrival sequencing	VFR delay to enter ARSA	Federal Government test site	Total costs	Present worth discount	Discounted value
1983	0	0	0	$20,000	$20,000	1.00	$20,000
1984	$8,515	35,077	$9,354	0	52,946	.91	48,181
1985	8,941	36,831	9,822	0	55,594	.83	46,143
1986	9,388	38,672	10,313	0	58,373	.75	43,780
1987	9,858	40,606	10,828	0	61,292	.68	41,679
1988	10,350	42,636	11,370	0	64,356	.62	39,901
1989	10,868	44,768	11,938	0	67,574	.56	37,841
1990	11,411	47,007	12,535	0	70,953	.51	36,186
1991	11,982	49,357	13,162	0	74,501	.47	35,015
1992	12,581	51,825	13,820	0	78,226	.42	32,855
Total	$93,894	$386,779	$103,142	$20,000	$603,815		$381,581

The Proposed SFAR

List of Subjects

14 CFR Parts 71 and 91

Airspace, Terminal control areas, Flight rules, Aviation safety.

14 CFR Parts 103 and 105

Aircraft, Aviation safety, Recreation and recreation areas.

In consideration of the above, the FAA proposes to issue a new Special Federal Aviation Regulation to read as follows:

Special Federal Aviation Regulation

No. ———

Contrary provisions of the Federal Aviation Regulations notwithstanding,

1. The Austin, Texas, and Columbus, Ohio, airports are designated Airport Radar Service Area (ARSA) airports.

2. For purposes of this Special Federal Aviation Regulation:

(a) The ARSA is that airspace within a 5-nautical mile radius of the designated airport, extending from the surface to and including 1,200 feet above the airport elevation, and within a 10-nautical mile radius of the designated airport, extending from 1,200 feet above the surface to and including 4,000 feet above the airport elevation.

(b) The primary airport is the airport for which the ARSA is designated; a satellite airport is any other airport, heliport, helipad, etc., within that ARSA.

3. Unless otherwise authorized or required by ATC—

(a) *Arrivals and Overflights*—No person may operate an aircraft in an ARSA unless two-way radio communication is established prior to entering that ARSA and is maintained while within that ARSA between that aircraft and the ATC facility having jurisdiction over that ARSA.

(b) *Departures*—No person may operate an aircraft within an ARSA unless—

(i) two-way radio communication is maintained while within that ARSA between that aircraft and the ATC facility having jurisdiction over that ARSA, or

(ii) prior to or as soon as possible after departing a satellite airport, two-way radio communication is established and maintained while within that ARSA between that aircraft and the ATC facility having jurisdiction over the ARSA.

(c) *ATC Instructions and Clearances*—Except in an emergency, no person may, while within an ARSA, operate an aircraft contrary to an ATC clearance or instruction.

(d) *Traffic Patterns*—No person may takeoff or land an aircraft within an ARSA except in compliance with FAA arrival and departure traffic patterns.

(e) *Ultralight Vehicle and Parachute Jump Operations*—No person may operate an ultralight vehicle within, or make a parachute jump within or into, an ARSA except under the terms of an ATC authorization issued by the ATC facility having jurisdiction over the ARSA.

This Special Federal Aviation Regulation terminates (1 year after its effective date) unless sooner superseded or rescinded.

(Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1349, 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); 14 CFR 11.45; and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not a major rule under Executive Order 12291 and is not a significant rule under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). For the reasons stated under the heading "Regulatory Flexibility Determination," I certify that the proposed rule will not have a significant economic impact on a substantial number of small entities. The total projected impact of the amendment may be found in a copy of the draft regulatory evaluation contained in the public docket. A copy of that evaluation may be obtained by contacting the person identified above under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Washington, D.C., on July 12, 1983.

R. J. Van Vuren,

Director, Air Traffic Service.

[FR Doc. 83-20075 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-13-M

Coast Guard

33 CFR Part 117

[CGD7-83-04]

Drawbridge Operation Regulations; Banana River, Florida

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of Brevard County, the Coast Guard is considering a change to the regulations governing the Mathers Bridge (SR-3) at Indian Harbor Beach by requiring that advance notice of opening be given between 10 p.m. and 6 a.m.

This proposal is being made because of a lack of requests for opening of the draw. This action should relieve the bridge owner of the burden of having a person constantly available to open the draw during a period when navigation is minimal or non-existent, and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before September 12, 1983.

ADDRESS: Comments should be submitted to and are available for examination from 7:30 a.m. to 4:00 p.m., Monday through Friday, except holidays, at the Office of the Commander (oan), Seventh Coast Guard District, 51 SW 1st Avenue, Miami, Florida 33130. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Mr. James R. Kretschmer, Bridge Administrator (305) 350-4108.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Seventh Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Walt Paskowsky, project officer, and Lieutenant W. D. Hobson, project attorney.

Discussion of Proposed Regulation

In 1982, between the hours of 10 p.m. and 6 a.m., the draw was opened a total of 70 times for the passage of vessels; an average of once every five days. This traffic is exclusively recreational craft and is locally based. A draft economic evaluation has not been prepared because no commercial enterprises will be affected, and vessels affected by this rule are exclusively recreational craft.

Economic Assessment and Certification

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). As explained above, an economic evaluation has not been conducted since the impact is expected to be minimal.

In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C 605(b)), it is certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by adding a new § 117.245(h)(27a) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS; BANANA RIVER, INDIAN HARBOR BEACH, FLORIDA

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(h) * * *

(27a) Banana River, mile 0.5, Mathers Bridge, State Road A-1-A, Indian Harbor Beach, Florida. The draw shall open on signal from 6 a.m. to 10 p.m. From 10 p.m. to 6 a.m. the draw shall open on signal if at least three hours advance notice is given.

* * * * *

(33 U.S.C. 499; 49 U.S.C 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: July 12, 1983.

D. C. Thompson,

Rear Admiral, U.S. Coast Guard, Seventh Coast Guard District.

[FR Doc. 83-20521 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 2353-6]

Approval and Promulgation of Implementation Plans; Maricopa County Health Department, Bureau of Air Pollution Control Regulations, State of Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Maricopa County Health Department (MCHD) adopted a New Source Review Rule on October 25, 1982. The Rule contains provisions comparable to EPA's requirements for both New Source Review (NSR) and Prevention of Significant Deterioration (PSD). It regulates construction and operation of new and modified major sources of both nonattainment and attainment pollutants. Maricopa County adopted the Rule to satisfy conditions on the approval of its Nonattainment Area Plan (NAP) and to obtain authority from EPA to issue permits for NSR and PSD. This Rule was submitted to EPA as a State Implementation Plan (SIP) revision on March 4, 1983. In this notice EPA is proposing to approve the Rule, with minor exceptions, if the MCHD makes the necessary revisions to fully meet EPA's requirements.

DATE: Comments may be submitted August 29, 1983.

ADDRESSES: Comments may be sent to: Acting Regional Administrator, Attn: Air Management Division, Air Operations Branch, New Source Section (A-3-1), Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

Copies of the Rule and EPA's Evaluation Report are available for public inspection during normal business hours at the EPA Region 9 office at the above address and at the following locations:

Arizona State Department of Health Services, 1740 West Adams Street, Phoenix, AZ 85007.

Maricopa County Health Department, Bureau of Air Pollution Control, 1825 E. Roosevelt Street, Phoenix, AZ 85006.

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, New Source Section, Air Operations Branch, Air Management Division, Environmental Protection Agency, Region 9, (415) 974-8236.

SUPPLEMENTARY INFORMATION:

Background

On May 5, 1982 (47 FR 19328), EPA conditionally approved the Maricopa County NAP along with the Arizona Department of Health Services (ADHS) NSR Rule. This ADHS NSR regulation would apply to Maricopa County in the absence of local regulations. The NAP approval was made contingent, in part, on revision of this NSR Rule to satisfy EPA's regulations of August 7, 1980 (40 CFR 51.18).

The MCHD Rule submitted on March 4, 1983 is intended to satisfy the requirement for revising the NSR Rule and also to secure full authority from EPA for issuing PSD permits. The MCHD Rule adopts by reference the ADHS PSD Rules and revised NSR rules with minor modifications. The MCHD rule combines NSR and PSD in a single review program and includes specific procedures to plan and regulate sources in clean air areas.

The Maricopa County Urban Planning Area is designated attainment by EPA for sulfur dioxide and nitrogen oxides. Ozone, particulates, and carbon monoxide are designated nonattainment throughout the Maricopa County Urban Planning Area and are designated attainment in the remainder of the County.

NSR—Part D of the Clean Air Act (Sections 171 to 173) and 40 CFR 51.18 define the requirements for NSR programs, which apply to nonattainment pollutants. The most important requirements are that local NSR rules and programs require applicants for new sources or modifications to: (a) Meet the Lowest Achievable Emission Rate, (b) provide reductions at least equal to the emission increase and consistent with RFP, and (c) certify that all major sources they own in the State comply with all air pollution emission limitations. Where growth allowances are provided, offsets may not be needed. The Arizona Department of Health Services currently administers the NSR program in Maricopa County under its conditionally approved Rule.

PSD—Part C, Subpart 1 of the Clean Air Act (Sections 160 to 169) contains requirements for PSD in areas which are designated either attainment or unclassified for the criteria (Section 109) pollutants. The PSD requirements apply to these attainment pollutants and also regulate the non-criteria pollutants regulated under Sections 111 and 112 of the Act.

EPA also has regulations for PSD, which elaborate on certain requirements. They are found in 40 CFR 51.24, "Prevention of Significant Deterioration of Air Quality." EPA is currently administering the PSD program in Maricopa County under the federal regulation 40 CFR 52.21. When PSD regulations for the MCHD are approved, the MCHD will assume authority from EPA.

The primary requirements for a PSD program incude: (1) The application of "Best Available Control Technology" (BACT) to new or modified major stationary sources; (2) requiring applicants to demonstrate that the increased emissions in the area affected by the new or modified source will not violate any National Ambient Air Quality Standard or the applicable air quality increments; and (3) requiring protection of Class I areas, where less air quality deterioration is allowed.

Description of Regulations

In response to the NSR and PSD requirements, the MCHD adopted a new rule into their air quality regulations on October 25, 1982. This Rule was submitted to EPA by the Governor's designee as an official SIP revision on March 4, 1983.

The new Rule 21, *Procedures for Obtaining an Installation Permit* includes the following specific sections:

R9-3-101 Definitions
R9-3-302 Installation Permits for Sources Located in Nonattainment Areas
R9-3-303 Offsets and Net Air Quality Benefit Standards
R9-3-304 Installation Permit Requirements for Sources Located in Attainment and Unclassifiable Areas
R9-3-305 Air Quality Impact Analysis and Monitoring Requirements
R9-3-307 Innovative Control Teachnology

Evaluation

EPA has evaluated the rules listed above to determine whether they satisfy all of the criteria for an NSR and PSD permitting program. For the most part, EPA believes that the MCHD's Rule satisfies EPA's requirements. The MCHD Rule will: (1) Require preconstruction review of the sources which would be subject to the federal guidelines; (2) require BACT, and air quality protection in a manner consistent with EPA's PSD requirements (40 CFR 51.24); and (3) require certification of statewide compliance, application of LAER, and offsets in a manner consistent with EPA's NSR requirements (40 CFR 51.18). The MCHD Rule also contains adequate guidelines and procedures for the administration and enforcement of the NSR and PSD programs.

However, EPA's review of the Rule did find minor deviations from EPA requirements. In a letter to the Regional Administrator dated April 29, 1983, the MCHD has agreed to clarify or revise the Rule to eliminate three of these descrepancies. The deviations together with the agreed upon resolutions are as follows:

1. Rule R9-3-304 exempts all portable sources, while EPA requirements allow portable sources to be exempted only if they are temporary. The County agreed to restrict the use of the exemption to sources which will be temporary. In

order to be eligible for the exemption, sources must provide notice to the County at least 10 days prior to the relocation.

2. The rules provide no mechanisms for notifying the Federal land manager of sources potentially impacting Federal Class I areas (i.e., within 100 kilometers of such areas). The County agreed to transmit to the EPA Administrator a copy of each permit application relating to a major stationary source or major modification and provide notice to the Administrator of every action related to the consideration of such permit.

3. Contrary to EPA requirements, Rule R9-3-307 (Innovative Control Technology exemption) contains an exemption for sources impacting Class I areas. The County agreed not to exempt sources impacting Class I areas and will revise the rule to conform to federal requirements. EPA is not taking action on R9-3-307 because in this case, the April 29, 1983 letter does not suffice to make it approvable; the language of the rule itself must be changed.

A detailed discussion and evaluation of the MCHD Rule is contained in EPA's Evaluation Report (available at the locations listed in the **ADDRESSES** section of this notice). An addendum to the Evaluation Report also includes suggestions which EPA believes may improve the rule.

Public Comments

EPA invites public comment on the Agency's proposal to approve the MCHD rules despite minor deficiencies. The MCHD PSD rules do not specifically address the provisions of 40 CFR 51.24(r)(2), which obligate a modifying source to undergo PSD program requirements if it becomes a major source solely by virture of a relaxation in any enforceable limitation. This omission in the MCHD rules is not expected to result in increased emissions because very few if any, subject sources are anticipated within the MCHD jurisdiction. The MCHD rules do include at R9-3-302C provisions conforming to the equivalent NSR requirements at 40 CFR 51.18(j)(5)(ii).

The MCHD rules contain an exemption from the stationary source definition for motor vehicles, fuel burning equipment rated at less than 500,000 BTU's per hour, and agricultural vehicles or equipment. We propose to approve the rule containing this exemption because we believe that these exemptions would not exempt any major sources or modifications from the regulations.

It is not absolutely clear to EPA that the provisions of the ADHS Rule R9-3-301, concerning stack heights and public participation, have been incorporated into the MCHD regulations. However, the County interprets their incorporation by reference language to include these provisions and the MCHD has provided a letter dated May 31, 1983 to this effect. EPA is proposing to approve these regulations on the basis of the County's interpretation.

Proposed Action

Under Section 110 and Part C, Subpart 1 and Part D of the Clean Air Act, EPA proposes to approve the MCHD Rule submitted on March 4, 1983, except for R9-3-307.

EPA also proposes to rescind 40 CFR 52.144 for most sources in Maricopa County. According to 40 CFR 52.144, EPA has the authority to regulate and permit PSD sources in Maricopa County. This rescission will grant the MCHD that authority with two exceptions: The first is the case of Indian lands, where EPA retains PSD permitting authority, and the second is the case of sources capable of emitting 75 tons of all pollutants per day, where the State of Arizona in accordance with Arizona Revised Statute 36-1706 would still maintain jurisdiction.

In addition, EPA proposes also to rescind 40 CFR 52.124(a)(1)(i)(A) thereby eliminating the condition on the Maricopa County NAP for a revised NSR Rule.

The Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

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

List of Subjects in 40 CFR Part 52

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

Authority: Sections 110, 129, 160 to 169, 171 to 173, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410, 7429, 7470, to 7479, 7501 to 7503 and 7601(a)).

Dated: April 14, 1983.

Sonia F. Crow,

Regional Administrator.

[FR Doc. 83-20471 Filed 7-27-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[A-5-FRL 2364-5]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations: Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to change the Carbon Monoxide (CO) designation for a portion of downtown Moline in Rock Island County, Illinois, from nonattainment to attainment.

This revision is based on a request from the State of Illinois to redesignate this area and on the supporting data the State submitted. Under the Clean Air Act, designations can be changed if sufficient data are available to warrant such change.

DATE: Submit comments on or before August 29, 1983.

ADDRESSES: Copies of the redesignation request, technical support documents and the supporting air quality data are available at the following addresses:

Environmental Protection Agency, Region V, Air and Radiation Branch, 230 S. Dearborn Street, Chicago, Illinois 60604

Illinois Environmental Protection Agency, Division of Air Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706

Comments on this proposed rule should be addressed to:

Cary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), USEPA, Region V, 230 South Dearborn, Chicago, Illinois 60604

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Air and Radiation Branch (5AR-26), Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6035.

SUPPLEMENTARY INFORMATION: Under Section 107(d) of the Act, the Administrator of EPA has promulgated the National Ambient Air Quality Standards (NAAQS) attainment status for each area of every State. See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). These area designations may be revised whenever the data warrant.

EPA's criteria for data that warrant redesignating an area are set out in the June 12, 1979 memo, "Section 107 Redesignation Criteria", by Richard G. Rhoads, Director of EPA's Control Program Development Division, and an April 21, 1983 memo, "Section 107 Designation Policy Summary", by

Sheldon Meyers, Director of EPA's Office of Air Quality Planning and Standards. In general, a change from a primary nonattainment designation to either secondary nonattainment or attainment must be supported by either:

(1) Eight consecutive quarters of recent ambient air quality data which show no violations of the appropriate NAAQS and evidence of an implemented control strategy that EPA has approved, or

(2) Four consecutive quarters of the most recent ambient air quality data which show both (a) no violation of the appropriate NAAQS and (b) air quality improvement that resulted from the implementation of legally enforceable emission reductions.

In February 1979, the Illinois Environmental Protection Agency (IEPA) monitored two exceedances of the NAAQS (10 milligrams per cubic meter, 8-hour average) for Carbon Monoxide (CO) in the downtown Moline, Illinois, area. Based on this information and a redesignation request from the IEPA, the Environmental Protection Agency (EPA) published final rulemaking on July 19, 1980, (45 FR 48132) redesignating downtown Moline to nonattainment. The nonattainment area was defined to be bounded by: 7th Avenue from 12th Street to 22nd Street; 23rd Street from 7th Avenue to 3rd Avenue and continuing along that line to the Mississippi River; 12th Street from 7th Avenue to 3rd Avenue and continuing along that line to the Mississippi River; and the Mississippi River bank from the 12th Street alignment to the 23rd Street alignment.

Based on more recent monitoring data and modeling analyses, the IEPA has determined that the previously designated nonattainment area is currently in attainment of the CO NAAQS. A recommendation for redesignation to attainment for this area was submitted on July 20, 1982, and supplemented on November 23, 1982.

The primary control strategy for CO is the Federal Motor Vehicle Control Program. It is being utilized in this area proposed for redesignation.

In addition to monitoring, CO modeling analyses were conducted for major intersections and streets in the nonattainment area. Hotspot (localized areas with potentially high CO concentrations) screening techniques developed by the EPA and the Illinois Department of Transportation were used to identify potential problem areas. Traffic conditions existing in 1982 were used in these analyses. Finally, the line source dispersion model CALINE 3, developed by the California Department of Transportation, was used for the screened hotspot areas to determine worst-case CO concentrations. In this analysis, 1982 traffic conditions were also assumed. Use of CALINE 3 indicated that exceedances of the CO NAAQS should no longer occur in the current nonattainment area.

Therefore, based on EPA's review of the available monitoring and modeling data and the request from the State of Illinois, EPA proposes to redesignate to attainment the area currently defined to be nonattainment for the CO NAAQS in Moline.

All interested persons are invited to submit written comment on the proposed redesignation. Written comments received by the date specified above will be considered in determining whether EPA will approve the redesignation. After review of all comments submitted, the administrator of EPA will publish the Agency's final action on the redesignation in the **Federal Register.**

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

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

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Sec. 107(d) of the Act, as amended (42 U.S.C. 7407)

Dated: May 4, 1983.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 83-20470 Filed 7-27-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 123

[SW-7-FRL 2405-4]

Missouri Application for Interim Authorization Phase I and II, Components A and B, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region VII.

ACTION: Notice of resumption of public comment and review period. Announcement of public hearing date.

SUMMARY: This notice resumes the public comment period on the Missouri Phase I and II, Components A and B, Interim Authorization application effective this date and extending to August 29, 1983; and announces a new date of public hearing.

A previous **Federal Register** Notice, dated March 17, 1983 (48 FR 11301, March 17, 1983) by Environmental Protection Agency (EPA) announced the availability of this application for public review and comment, giving notice of an April 19, 1983 public hearing. In a later **Federal Register** Notice, dated April 7, 1983 (48 FR 15167, April 7, 1983), the Environmental Protection Agency, at State request, suspended the comment period indefinitely and cancelled the public hearing to allow the State to make certain legislative changes to bring State law into substantial equivalency with Federal law. Legislative changes have now been made, and an amended interim authorization request from Missouri has been received by the EPA Region VII offices and has been determined to be complete. Today EPA is announcing the availability for public review of the Missouri application for Phase I and II, Components A and B, Interim Authorization, inviting public comment, and giving notice of a public hearing to be held on the application.

DATES: Comments on the Missouri interim authorization must be received by August 29, 1983.

Public Hearing: EPA will conduct a public hearing on Missouri interim authorization application at 1:00 p.m. on August 29, 1983. An evening session of the hearing may also be conducted on August 29, 1983, at 7:00 p.m., if EPA receives notice of sufficient public interest. If an evening session is held, notification shall be provided through news releases. The Environmental Protection Agency reserves the right to cancel a public hearing if sufficient interest is not expressed. To enable EPA to determine public interest, persons interested in participating in the hearing, must notify Mr. Robert L. Morby of the EPA at the address below no later than August 22, 1983. The State of Missouri will participate in any public hearing held by EPA on this subject.

ADDRESSES: Copies of the Missouri interim authorization application are available during business hours at the following locations for inspection and copy by the public:

U.S. E.P.A., Region VII, Library-16th Floor, 324 East 11th Street, Kansas City, Missouri 64106

Waste Management Program, Missouri Department of Natural Resources, 1915 Southridge Drive, Jefferson City, Missouri 65101

Regional Office, M.D.N.R., 8460 Watson Road, Suite 217, St. Louis, Missouri 63199

U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City,

Missouri 64106. 816/374-6534. Business Hours: 7:30-5:00. $0.20 per page copying charge.

U.S. Environmental Protection Agency, Office of Solid Waste, 410 M Street SW., Washington, D.C. 20460, 202/382-2210. Business Hours: 7:30-4:30.

The public hearing will be held at:

Senate Lounge, Third Floor, State Capitol Building, Jefferson City, Missouri 65101

Submit written comments to: Robert L. Morby, U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Robert L. Morby, 816/374-6534.

SUPPLEMENTARY INFORMATION: In the May 19, 1980, **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. These regulations include provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified state programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. In order to qualify for issuance of interim authorization, the State hazardous waste program must:

(1) Have had enabling authority in existence prior to August 17, 1980, and

(2) Be substantially equivalent to the Federal program. A full description of the requirements and procedures for State interim authorization is included in 40 CFR Part 123 Subpart F (45 FR 33479). As noted in the May 19, 1980, **Federal Register**, copies of complete State submittals for interim authorization are to be made available for public inspection and comments. In addition, a public hearing is to be held on the submittal, unless significant public interest is not expressed.

Regulatory Analysis

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

Dated: July 18, 1983.

Morris Kay,

Regional Administrator, Region VII.

[FR Doc. 83-20221 Filed 7-27-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6546]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the Nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the Nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

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

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

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Arizona	La Paz County (Unincorporated Areas)	Tyson Wash	30 feet upstream from the center of Main Street	*872
		Granite Mountain Wash	100 feet upstream from the center of Yellow Brick Road.	*877
		Granite Mountain Wash West	At center of Main Street	*890

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Plomosita Wash	25 feet upstream from the center of U.S. Highway 95	*865
		Plomosa Wash	At Center of U.S. Highway 95	*863
		Scaddan Wash	30 feet upstream from center of U.S. Highway 95	*855
		Salome Wash Tributary	30 feet upstream from center of Atchison, Topeka, and Santa Fe Railroad.	*1,896
		Salome Wash Tributary Split Flow	At divergence to Airport Wash West	*1,889
		Airport Wash West	20 feet upstream from the center of U.S. Highway 60	*1,888
		Airport Wash East	100 feet south from the center of intersection of Center Street and Avenue B.	*1,870
		Salome—West Tributary	Center of intersection of Salome—West Tributary and Center Street.	*1,887
		Salome—West Tributary Split Flow	50 feet upstream from center of Atchison, Topeka, and Santa Fe Railroad.	*1,871
		Salome—East Tributary	30 feet upstream from the center of U.S. Highway 60	*1,860
		Tributary A at Wenden	30 feet upstream from the center of U.S. Highway 60	*1,864
		Tributary B at Wenden	75 feet upstream from the center of U.S. Highway 60	*1,864
		Centennial Wash	30 feet upstream from the center of U.S. Highway 60	*1,869
		Centennial Wash Split Flow	20 feet upstream from the center of Atchison, Topeka, and Santa Fe Railroad.	*1,874
		Colorado River at Parker Strip	At the confluence with Cienega Springs Wash (Tributary A).	*367
			At the confluence with Monkeys Head Wash	*378
		Cienega Springs Wash (Tributary A).	25 feet upstream from the center of State Highway 95	*371
		Sue Mine Wash (Tributary B)	25 feet upstream from the center of State Highway 95	*378
		Tributary C	At the center of the intersection of State Highway 95 and the stream.	*373
		Tributary D	At the center of the intersection of State Highway 95 and the stream.	*373
		Tributary F1 Shallow Flooding	25 feet upstream from the center of State Highway 95	*380
		Tributary F2 Shallow Flooding	25 feet upstream from the center of State Highway 95	*380
		Eagle Wash (Tributary G)	25 feet upstream from the center of State Highway 95	*381
		Tributary H	25 feet upstream from the center of State Highway 95	*380
		Monkeys Head Wash	50 feet upstream from the center of State Highway 95	*421
		Tributary J	25 feet upstream from the center of State Highway 95	*381
Maps available for inspection at Department of Public Works, 1301 Arizona Avenue, Parker, Arizona.				
Send comments to the Honorable Donald B. Benton, P.O. Box C, Parker, Arizona 85344.				
Arkansas	City of Pine Bluff, Jefferson County	Brumps Bayou	Just upstream of Apple Street	*239
		Bayou Bartholomew	Approximately 3,000 feet downstream of Hazel Street	*208
Maps available for inspection at Zoning Administration Office or the Environmental Planner Office, City Hall, 200 East Eighth Avenue, Pine Bluff, Arkansas 71601.				
Send comments to Mayor Dave Wallis or Susan Torrans, Environmental Planner, City Hall, 200 East Eighth Avenue, Pine Bluff, Arkansas 71601.				
California	Rancho Cucamonga (City)	East Etiwanda Creek	10 feet upstream from center of Atchison Topeka, & Santa Fe Railway crossing.	*1,123
			20 feet upstream from center of Arrow Route	1,154
		San Sevaine Channel	Approximately 800 feet south from intersection of Ilex Avenue and Whittram Avenue.	*1,118
		Cucamonga Creek Channel (shallow flooding).	600 feet west from intersection of 19th Street and Sapphire Street.	#1
		Day Creek Channel (shallow flooding).	At intersection of Rochester Avenue and Foothill Boulevard.	#1
		Deer Creek Channel (shallow flooding).	1,800 feet northwest from the confluence of Hillside Channel with Deer Creek Channel.	#1
Maps available for inspection at City Engineer's Office, 9320 Baseline Road, Rancho Cucamonga, California.				
Send comments to Honorable John Mikles, 9320 Baseline Road, P.O. Box 807, Rancho Cucamonga, California 91730.				
California	San Diego County (Unincorporated Areas)	Augua Hedionda Creek	At the intersection of Smilax Drive and South Santa Fe Avenue.	*460
		Buena Creek	At the intersection of South Santa Fe Avenue and Buena Creek.	*442
		Broadway Creek	50 feet upstream from center of Magnolia Avenue	*408
		Carroll Canyon Creek	300 feet upstream from center of Northbound Interstate 15.	*458
		Casa de Oro	Intersection of Lamar Street and Marshall Lane	*343
		Descanso Creek	50 feet upstream from center of Vijas Boulevard	*3,410
		Escondido Creek	100 feet upstream from center of El Camino Del Norte	*54
		Hatfield Creek	50 feet upstream from center of Julian Road	*1,480
		Kit Carson Park Creek	1,000 feet upstream from center of Bear Valley Parkway (in City of Escondido).	*422
		North Tributary to Santa Maria Creek.	50 feet upstream from Ramona Airport Road	*1,373
		Otay River	At the intersection of Failure Street and Jacuqa Street	*29
		Pacific Ocean	75 feet downstream from center of Camino Del Mar at San Elijo State Beach.	*6
		Reidy Creek	100 feet North of the intersection of La Entradita and Pasa Del Norte.	*780
		Samaguatama Creek	75 feet upstream from the center Cuyamaca Way	*3,509
		Santa Maria Creek	At the intersection of Durgin Street and Mitten Lane	*1,382
		San Diego River	100 feet downstream from the center of Friars Road Extension.	*70
		San Vicente Creek	At the intersection of Mary Lane and Topo Avenue	*414
		South Las Chollas Creek	100 feet upstream from the center of Imperial Avenue	*70
		South Tributary To Santa Maria Creek.	At the intersection of creek and center of Julian Road	*1,379
		Spring Valley Creek	Intersection of Bancroft Drive and Olive Drive	*360

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Sweetwater River	50 feet upstream of center of Steele Canyon Road	*348
		Sweetwater River (Descanso Area)	At the intersection of river and center of Viejas Boulevard.	*3,403
		Sweetwater (near National City)	50 feet upstream of center of Edgemore Avenue	*33
		Telegraph Canyon Creek	50 feet upstream from center of 4th Avenue	*77
		Tributary of South Tributary to Santa Maria Creek.	At the intersection of creek and Julian Road	*1,379
		San Luis Rey River	50 feet upstream from center of Olive Hill Road	*165
			At the intersection of river and center of Wiskon Way	*792
Maps available for inspection at County Department of Sanitation and Flood Control, 1600 Pacific Highway, San Diego, California.				
Send comments to Honorable Jim Bates, 1600 Pacific Highway, Suite 335, San Diego, California 92102.				
Georgia	City of Richmond Hill, Bryan County	Sterling Creek 1	Just upstream of Interstate 95	*16
		Sterling Creek 2	Just upstream of Timber Trail	*11
			Just downstream of Seaboard Coast Line Railroad	*12
			Just upstream of Seaboard Coast Line Railroad	*17
			Just upstream of Dirt Road	*17
			Just downstream of U.S. 17 and State Road 25	*17
			Just upstream of U.S. 17 and State Road 25	*18
		Ogeechee River	Just upstream of the Seaboard Coast Line Railroad	*14
Maps available for inspection at City Clerk's Office, City Hall, Ford Avenue, Richmond Hill, Georgia 31324.				
Send comments to Mayor Douglas T. Ellis or Lynda T. Hodges, City Clerk, City Hall, P.O. Box 250, Richmond Hill, Georgia 31324.				
Lousiana	Unincorporated Areas of Cameron Parish	Gulf of Mexico	Intersection of State Highway 27 and State Highway 82.	*19
			Intersection of First Bayou and State Highway 27	*17
			Intersection of Second Bayou and State Highway 27	*16
			Intersection of State Highways 27 and 82 and State Road 1142.	*15
			Intersection of State Highways 82 and Mermentau River.	*14
			Intersection of State Highway 82 and State Highway 27.	*12
			Intersection of Starks Canal and State Highway 27	*11
			Intersection of State Highway 27 and Black Lake Bayou (Hackberry).	*11
			Intersection of State Highway 27 and Intracoastal Waterway.	*8
Maps available for inspectiorf at Executive Secretary's Office, Police Jury Annex, Courthouse Square, Cameron, Louisiana 70631.				
Send comments to Mr. Lester Lichard, President, Cameron Parish Police Jury or Ms. Bonnie Conner, Executive Secretary, Police Jury Annex, P.O. 366 Cameron, Louisiana 70631.				
Louisiana	Unincorporated Areas of Vermilion Parish	Vermillion River	Just downstream of State Highway 14 By-Pass	*11
			Just downstream of State Highway 92	*15
		Coulee Ilede Cannes/Granges Coulee.	Approximately 1800 feet downstream of Road P-4-32	*16
			Just upstream of State Highway 92	*19
		Coulee Kenny	Just downstream of Southern Pacific Railroad	*11
			Just downstream of State Highway 167	*15
		Tributary 1 of Coulee Kenny	Just downstream of State Highway 696	*13
			Approximately 2000 feet upstream of State Highway 343.	*18
		Branch 1 of Tributary 1 of Coulee Kenny.	At the confluence with Tributary 1 of Coulee Kenny	*13
		Tributary 2 of Coulee Kenny	Just upstream of State Highway 697	*16
			Just downstream of Road P-5-16	*19
			Just downstream of Road P-5-24	*22
		Branch 1 of Tributary 2 of Coulee Kenny.	Just downstream of State Highway 343	*19
		Branch 2 of Tributary 2 of Coulee Kenny.	Just upstream of Road P-9-22	*15
		Tributary 3 of Coulee Kenny	Just downstream of State Highway 697	*19
			Just downstream of Road P-4-6	*16
			Just downstream of State Highway 699	*19
		Branch 1 of Tributary 3 of Coulee Kenny.	Just downstream of Road P-4-9	*17
		Gulf of Mexico/Bayou Tigre	Just downstream of State Highway 331	*11
		Gulf of Mexico/Tigre Coulee	At the confluence of Bayou Tigre	*11
		Gulf of Mexico/Tributary 1 of Bayou Tigre.	Just downstream of Southern Pacific Railroad	*11
		Gulf of Mexico/Tributary 2 of Bayou Tigre.	Just downstream of Road P-1-5	*11
		Gulf of Mexico/Tributary 3 of Bayou Tigre.	Just downstream of State Highway 331	*11
		Gulf of Mexico/Tributary 4 of Bayou Tigre.	Just downstream of State Highway 339	*11
		Gulf of Mexico/Stream 3 of Bayou Tigre.	Just downstream of State Highway 339	*11
		Gulf of Mexico/Tributary 2 of Delcambre Canal.	Just upstream of the eastern corporate limits	*11
		Tributary 2 of Sledge Canal	Approximately 1800 feet downstream of Southern Pacific Railroad.	*14
			Just downstream of Road P-9-44	*17
		Tributary 4 of Coulee de John	Approximately 1000 feet upstream of Road P-9-15	*9
			Just upstream of Road P-9-23	*14
		Gulf of Mexico	At Laurents Point of Lake Arthur	*6
			Along the shoreline of White Lake	*7

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			At the State Highway 82 bridge over Seventh Ward Canal.	*10
			At the confluence of Vermilion River with Intracoastal Waterway.	*12
			At Redfish Point	*14
			Along the shoreline near Lake Cock	*17
			Along the shoreline at Rockfeller Wildlife Refuge and Game Reserve.	*18
			Along the shoreline near the cemetary at Cheniere Au Tigre.	*19
Maps available for inspection at Building Permit Director's Office, 2211 Leonie Street, Abbeville, Louisiana 70510.				
Send comments to Mr. Rixby Narceaux, President, Vermilion Parish Police Jury, P.O. Box 430 or Mr. Donald Abshire, Building Permit Director, P.O. Box 209, Abbeville, Louisiana 70510.				
New York	Chittenango, (Village) Madison County	Chittenango Creek	Downstream Corporate Limits	*435
			Upstream Russel Street	*445
			Upstream Madison Street	*461
			Upstream corporate limits	*484
Maps available for inspection at the Village Hall, 222 Genesee Street, Chittenango, New York.				
Send comments to Honorable Robert D. Evans, Mayor of the Village of Chittenango, 222 Genesee Street, Chittenango, New York 13037.				
North Dakota	Harwood (Township) Cass County	Red River of the North	The intersection of County Roads 32 and 31	*889
			Area approximately 400 feet north of the intersection of County Roads 4 and 31.	*884
Maps available for inspection at Township Hall, Route 1, Harwood, North Dakota.				
Send comments to the Honorable Wayne Freeland, Route 1, Harwood, North Dakota 58042.				
North Dakota	Reed (Township), Cass County	Red River of the North	The area approximately 300 feet southeast of the intersection of County Road 22 and Interstate 29.	*890
Maps available for inspection at Township Hall, Rural Route 2, Fargo, North Dakota.				
Send comments to Honorable Gene Johnson, Rural Route 2, Fargo, North Dakota 58102.				
North Dakota	Valley City (City) Barnes County	Sheyenne River	Intersection of Viking Drive and 5th Avenue	*1,222
		Tributary A	40 feet upstream from center of 12th Avenue SE	*1,233
Maps available for inspection at City Hall, 230 3rd Street, N.E., Valley City, North Dakota.				
Send comments to the Honorable Dale Olson, P.O. Box 390, Valley City, North Dakota 58072.				
Massachusetts	Hubbardston, (Town) Worcester County	Canesto Brook	Downstream corporate limits	*750
			Approximately 6,550 feet upstream of downstream corporate limits.	*802
			Williamsville Road (upstream side)	*848
		East Branch	Downstream corporate limits	*936
		Ware River	Lombard Road (upstream side)	*982
			Upstream corporate limits	*1,006
Maps available for inspection at the Office of the Planning Board, Town Hall, Hubbardston, Massachusetts.				
Send comments to Honorable Barbara Hubbard, Chairman of the Hubbardston Board of Supervisors, Main Street, Hubbardston, Massachusetts 01452.				
Oregon	Baker (city), Baker County	Powder River	At the intersection of 13th Street and Auburn Avenue	*3,435
		Old Settlers Slough	At the intersection of Wabash Avenue and 2nd Street	*3,459
Maps available for inspection at City Hall, Baker, Oregon.				
Send comments to Honorable Bill Gwilliam, P.O. Box 650, Baker, Oregon 97814.				
Oregon	Ontario (City)	Snake River	At Union Pacific Railroad Crossing	*2,142
	Malheur County	Malheur River	Center of intersection of 8th Avenue NW and 5th Avenue NW.	*2,145
Maps available for inspection at City Hall, 444 SW 4th Street, Ontario, Oregon.				
Send comments to the Honorable Robert Widmer, 444 SW 4th Street, Ontario, Oregon 97914.				
Oregon	Salem (City) Marion County	Mill Creek	At center of Commercial Street Northeast	*141
			30 feet upstream of Interstate Highway 5 Northbound	*224
			850 feet west of the intersection of Penitentiary Annex Road and Mill Creek.	#1
		Mill Creek Overflow	Intersection of Waller Street Southeast and 15th Street Southeast.	*169
		Shelton Ditch	100 feet downstream of Winter Street Southeast	*149
		Pringle Creek	100 feet upstream 12th Street Southeast	*169
			200 feet west of the intersection of Davcor Court and 19th Street Southeast along Davcor Court.	#1
		Middle Fork Pringle Creek	100 feet upstream Madrona Avenue Southeast	*203
		East Fork Pringle Creek	100 feet upstream of McGilchrist Street Southeast	*183
			Intersection of 25th Street Southeast and McGilchrist Street Southeast.	#1
		West Fork Pringle Creek	100 feet upstream of Salishan Street Southeast	*197

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Battle Creek	At center of U.S. Highway 99E (Commercial Street Southeast).	*384
			Intersection of 13th Avenue Southeast and Doral Drive	±1
		Powell Creek	100 feet upstream of Doral Drive	*390
		Claggett Creek	Intersection of Felina Avenue and Deer Haven Drive	*160
		Willamette River	At center of State Highway 22 Westbound (Marion Street Northeast).	*142
Maps available for inspection at Public Works and Engineering Department, 555 Liberty Street, SE., Room 325, Salem Oregon.				
Send comments to the Honorable Sue Harris, 555 Liberty Street, SE., Salem, Oregon 97301.				
Texas	Unincorporated Areas of Kenedy County	Gulf of Mexico/Laguna Madre	Approximately 9,500 feet west of the Intracoastal Waterway of the southern county limits.	*11
			Approximately 5.8 miles west of a point located on the Intracoastal Waterway 16.9 miles north of the southern county limits.	*8
		Laguna Madre	Approximately 0.7 mile west of a point located on the Intracoastal Waterway 3 miles south of the northern county limits.	*8
Maps available for inspection at Kenedy County Courthouse, Sarita, Texas 78385.				
Send comments to Judge J. A. Garcia, Jr., Kenedy County Judge, P.O. Box 37, Sarita, Texas 78385.				
Virginia	Hampton, city ,Independent City	Chesapeake Bay	Shoreline of Southwest Branch Back River at Boeing Road (extended).	*10
			Shoreline of Southwest Branch Back River at Meribeth Road (extended).	*11
			Shoreline of Back River 500 feet southwest of Stony Point.	*12
			Shoreline of Back River at Stony Point	*13
			Entire shoreline of Chesapeake Bay within community	*13
			Shoreline of Hampton River at Victoria Boulevard (extended).	*9
			Shoreline of Hampton Roads at Segar Street (extended).	*13
			Shoreline of Hampton Roads at Congress Avenue (extended).	*12
			Shoreline of Mill Creek at Cumming Avenue (extended).	*11
			Shoreline of Mill Creek at Ambrose Street (extended)	*10
Maps available for inspection at the Planning and Zoning Department, City Hall, Hampton, Virginia.				
Send comments to Honorable Thomas I. Miller, Hampton City Manager, City Hall, 22 Lincoln Street, Hampton, Virginia 23669.				
West Virginia	Matewan, town ,Mingo County	Tug Fork	Downstream corporate limits	*691
			Upstream Norfolk and Western Railway	*698
			Upstream Buskirk-Matewan Bridge	*700
			Upstream corporate limits	*703
		Mate Creek	Confluence with Tug Fork	*701
			Upstream corporate limits	*707
Maps available for inspection at the Matewan Town Hall, Matewan, West Virginia.				
Send comments to Honorable Robert W. McCoy, Jr., Mayor of the Town of Matewan, P.O. Box 233, Matewan, West Virginia 25678.				
West Virginia	Wood County	Ohio River	At downstream county boundary at confluence of Pond Creek.	*599
			At confluence of Sandy Creek	*606
			At confluence of Tributary A	*613
			At upstream county boundary at confluence of Bull Creek.	*620
		Little Kanawha River	At downstream county boundary at confluence of Washington Creek.	*610
			Approximately 11 miles upstream of confluence of Tygart Creek.	*610
		Tygart Creek	At confluence with Little Kanawha River	*610
			Upstream of Interstate Route 77 (downstream crossing).	*610
			Upstream of County Route 21/22	*621
			Upstream of Interstate Route 77 culvert	*638
			Upstream of southbound ramp of Interstate Route 77	*664
			Confluence of Burns Run	*696
			Approximately .4 mile upstream of most upstream Access Road.	*751
		Pond Creek	Confluence with Ohio River	*599
			County Route 25	*599
			Upstream of County Route 25	*608
			Confluence of Pennike Run	*628
			Approximately .7 mile upstream of County Route 25/8 at County Route 23 extended.	*654
		Worthington Creek	Confluence with Little Kanawha River	*610
			Upstream of Interstate Route 77	*610
			Upstream of Mustang Drive	*618
			Upstream of County Route 3/11	*637
			Upstream of County Route 3/13	*672
			Upstream of Access Road located near Doyle Tributary.	*707
			Approximately .5 mile upstream of Access Road near Doyle Tributary.	*717

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Big Run	Confluence with Ohio River	*615
			County Route 3/13	*615
			Approximately .23 mile downstream of Interstate Route 77.	*621
		North Fork Lee Creek	Approximately .6 mile downstream of most downstream Access Road.	*662
			Upstream of County Route 15	*680
			Upstream of County Route 46/2	*693
			Upstream of County Route 46/4	*733
			Approximately 1 mile upstream of County Route 46/4	*758
		Little Tygart Creek	At confluence with Tygart Creek	*610
			Upstream County Route 21 (second crossing)	*610
			Upstream of County Route 20/21	*618
			Approximately .5 mile upstream of County Route 20/21.	*616
		Sams Creek	Confluence with Tygart Creek	*610
			Approximately 1.5 mile upstream of confluence with Tygart Creek.	*610
			Approximately 2.67 mile upstream of confluence with Tygart Creek.	*630
		Neal Run	At confluence with Little Kanawha River	*610
			At Gihor Road	*610
			Upstream of County Route 3/9 (Lark Mead Road)	*616
			Downstream of State Route 95 culvert	*626
		Plum Run	At confluence with Big Run	*615
			Upstream of Interstate Route 77	*634
			Approximately .33 mile upstream of Interstate Route 77.	*646
		Pennike Run	At confluence with Pond Creek	*628
			Approximately 1.02 mile upstream of confluence with Pond Creek.	*676
		Bear Run	Confluence with Pond Creek	*639
			Approximately .49 mile upstream of confluence with Pond Creek.	*656
		Burns Run	Confluence with Tygart Creek	*696
			Approximately .5 mile upstream of confluence with Tygart Creek.	*748
		Tributary A	Confluence with Ohio River	*613
			At county boundary	*613
		Williams Creek	Confluence with Big Run	*615
			At county boundary	*615
		Pond Run Upper Reach	At confluence with Ohio River	*612
			Approximately .61 mile upstream of confluence with Ohio River.	*612
		Pond Run Lower Reach	At most downstream county boundary	*600
			At most upstream country boundary just downstream of levee.	*601
		Wards Run	At confluence with Little Kanawha River	*610
			County boundary at Camden Avenue	*610

Maps available for inspection at the Probate Office, Wood County Courthouse, Parkersburg, West Virginia.

Send comments to Honorable William C. Parrish, President of the Wood County Commissioners, Wood County Courthouse, Parkersburg, West Virginia 26101.

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

Issued: July 8, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-20251 Filed 7-27-83; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Child Support Enforcement

45 CFR Parts 302, 304, and 306

Child Support Enforcement Program; Medical Support Enforcement

AGENCY: Office of Child Support Enforcement (OCSE), HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: OCSE is proposing to amend the Child Support Enforcement program regulations governing medical support enforcement activities. Currently these activities are pursued through optional cooperative agreements between the State IV-D agency and the State Medicaid agency. This proposal would require all State IV-D agencies, as part of the IV-D State plan, to perform certain limited medical support activities. First, the IV-D agency would be required to attempt to obtain basic medical support information during the normal processing of child support cases and provide this information to the State Medicaid agency. Second, the IV-D agency would be required to petition to include medical support in new or modified support orders in situations in which coverage is available to the absent parent at reasonable cost and to inform the State Medicaid agency of any new or modified support orders which include a medical support obligation. These activities would result in increased use of available third party resources in the form of private medical insurance and in medical cost savings to State and Federal governments. Federal funding would be available to IV-D

agencies for these required medical support activities.

DATE: Consideration will be given to written comments and suggestions received by September 26, 1983.

ADDRESS: Address comments to: Director, Office of Child Support Enforcement, Department of Health and Human Services, Room 1010, 6110 Executive Boulevard, Rockville, Maryland 20852. Comments will be available for public inspection Monday through Friday, 8:30 a.m. to 5 p.m. in the Department's office at the above address.

FOR FURTHER INFORMATION CONTACT: Carol Jordan, Policy Branch, OCSE, (301) 443-5350.

SUPPLEMENTARY INFORMATION:

Background

The Medicare-Medicaid Anti-Fraud and Abuse Amendments of 1977 (Pub. L. 95-142) added section 1912 to title XIX of the Social Security Act (the Act). This section of the Act permits the State Medicaid agency to establish a medical support enforcement program. The Conference Committee Report (H. Rep. 95-673, September 22, 1977) states that the Medicaid agency may use the IV-D agency to assist in the enforcement of medical support rights due from or through an absent parent, since it was not intended that the Medicaid agency establish a separate system for the enforcement of medical support obligations.

On February 11, 1980, OCSE and the Health Care Financing Administration (HCFA) published joint regulations to implement section 1912 of the Act through optional cooperative agreements between the State Medicaid agency and the State IV-D agency. (See 45 CFR Part 306 for OCSE regulations and 42 CFR 433.151 through 433.154 for HCFA regulations.) Under these agreements, the Medicaid agency reimburses the IV-D agency for medical support enforcement activities conducted pursuant to the agreement. However, most States have not elected to enter into such agreements because of other child support enforcement program priorities and an unfavorable differential in the two programs' Federal funding rates. Federal funding in the Medicaid program is available at a rate lower than the 70 percent rate for child support activities under title IV-D of the Act. States are, therefore, reluctant to take on additional responsibilities which will increase the burden on IV-D agency staff and result in a smaller percentage of Federal reimbursement for services provided. State IV-D agencies have also indicated that they have insufficient staff and resources to allow them to pursue medical support enforcement. For these reasons, medical support enforcement efforts through cooperative agreements have been minimal.

We believe that many parents have private medical insurance available through their employers or unions which could be used, at reasonable cost to the parent, to pay for their dependents' medical expenses, resulting in reduced costs of supporting a child and significant cost savings to State and Federal governments under the Medicaid program. In fact, a 1979 study of the availability of health insurance revealed that 83 percent of the working population could provide health insurance to dependent children at a cost of less than $10 a month. (See "A Study of Actual and Potential Health Insurance Held by Absent Parents for their Medicaid Eligible Children," JWK International Corporation, October 30, 1979.) In addition, the Department is advocating cost-saving policies in Federal programs and these regulations would enhance State enforcement of third party liability for medical expenses.

Statutory Authority

These proposed regulations are published under the authority of sections 1102 and 454(13) of the Act. Section 1102 authorizes the Secretary of HHS to publish regulations not inconsistent with the Act which may be necessary to efficiently administer his functions under the Act. Under the title IV-D State plan requirement contained in section 454(13), the Secretary may prescribe, and the State must comply with, requirements and standards necessary to establish an effective title IV-D program. Furthermore, because section 462(b) of the Act defines "child support" to include payments to provide for health care, we believe that requiring State IV-D agencies to attempt to obtain information on the availability of medical insurance and to petition to include medical insurance coverage in new or modified support orders as part of their normal child support enforcement activities is consistent with the purpose and functions of the title IV-D program.

Regulatory Provisions

These proposed regulations do not alter or replace current regulations governing optional cooperative agreements between IV-D and Medicaid agencies under which IV-D agencies may provide medical support enforcement services. Rather, they would require under the title IV-D State plan that IV-D agencies gather specified medical support information if it is available during the regular processing of IV-D cases; submit the information to the Medicaid agency for use in its medical support enforcement and follow-up activities; petition to include medical support in new or modified support orders in situations in which coverage is available to the absent parent at reasonable cost; and inform the Medicaid agency when new or modified support orders include a medical support obligation. These regulations would not require the IV-D agency to perform medical support enforcement or follow-up activities.

We have tried to minimize the burden that these regulations would place on IV-D agencies. These additions to the present scope of IV-D activities are in keeping with the Department's initiative to pursue third party resources as a means of reducing medical costs to State and Federal governments. Because the IV-D agency already performs the functions of locating absent parents and ensuring that the support obligations of absent parents are met, the use of IV-D agencies to gather medical support information during the normal processing of IV-D cases and to petition to include medical support in new or modified support orders will avoid the duplication of effort, the unnecessary expense, and the administrative complexity that would result if the Medicaid agency had to establish new and separate systems for these activities.

The proposed regulations amend 45 CFR 302.80 by changing the section title, redesignating the current contents of the section as paragraph (a), and adding a new paragraph (b). The section title, Medical support enforcement, would be changed to Medical support, because the new paragraph (b) does not require enforcement. In paragraph (a), the cross-reference to 45 CFR Part 306 would be changed to refer to Subpart A of Part 306 for reasons explained below. The proposed § 302.80(b) would specify that the IV-D activities contained in 45 CFR Part 306, Subpart B, are requirements under the title IV-D State plan.

These proposed regulations amend 45 CFR 304.20, Availability and rate of Federal financial participation, by adding a new paragraph (b)(11). Paragraph (b)(11) would make Federal funding available under the IV-D program for IV-D medical support activities required in Part 306, Subpart B, of these proposed regulations.

These proposed regulations also amend 45 CFR 304.23, Expenditures for which Federal financial participation is not available, by revising the cross-

references in paragraph (g). This change is required because of the redesignation of the current contents of 45 CFR Part 306 as Part 306, Subpart A.

The redesignated 45 CFR Part 306, Subpart A, entitled "Optional Cooperative Agreements," does not change current regulations at 45 CFR Part 306. Part 306, Subpart B, entitled "Required IV-D Activities," contains new §§ 306.50 and 306.51.

The new § 306.50 is entitled Securing medical support information. Section 306.50(a) lists the information a IV-D agency is required to attempt to obtain on behalf of the Medicaid agency to assist with medical support enforcement activities. Under this paragraph, the IV-D agency would collect information on each IV-D case for which an assignment is in effect under title IV-A of the Act (45 CFR 232.11), if the information can be obtained during the regular processing of IV-D cases and if the IV-A agency does not provide the information to the Medicaid agency. The information would include the name, address and social security number of the absent parent; the name and address of the absent parent's place of employment; the child's name and social security number; the AFDC case number, the Medicaid number or custodial parent's social security number; and whether the absent parent has a health insurance policy and, if so, the policy name and number and names of persons covered.

Section 306.50(b) would require the IV-D agency to obtain the information specified in paragraph (a) upon request of an individual who applies for IV-D services under 45 CFR 302.33.

Section 306.50(c) of the proposed regulations requires the IV-D agency to submit the medical support information obtained under §§ 306.50 (a) and (b) to the Medicaid agency. The IV-D agency has discretion regarding the transfer of medical support information to the Medicaid agency, i.e. the information may be transmitted manually or by automated system, if the State has one. However, the IV-D agency would be required to transmit the information by the most efficient and cost-effective means available.

The IV-D activities required under this section would be limited to gathering and providing information and do not include enforcement or follow-up activities. We believe that requiring IV-D agencies to supply Medicaid agencies with medical support information which is readily available to the IV-D agencies is the simplest, least expensive way of securing the information necessary for medical support enforcement activities. Also, since IV-D agencies need not secure information unless it is readily available to them during the normal processing of IV-D cases, we believe the impact of these proposed requirements on IV-D agencies will be minimal.

We do not intend that IV-D agencies should duplicate IV-A agencies' actions in providing AFDC case information to Medicaid agencies, but do not have sufficient information to assess the depth of this potential problem. We welcome comments from State IV-D agencies in this area.

The new § 306.51 is entitled Securing medical support obligations. Paragraph (a) would require the IV-D agency, with respect to AFDC cases, to petition to include medical support in new court or administrative orders for child support and in existing orders which are being modified or adjusted. The IV-D agency is not required to attempt to modify an existing court or administrative order for the sole purpose of including medical support. The purpose of this requirement is to avoid Medicaid expenditures and protect children under the medical insurance policies of their absent parents at the least possible cost to the IV-D agency. If the absent parent assumes responsibility, in part or in whole, for the medical expenses of his or her dependents, the costs of the Medicaid program will be reduced. This requirement would be limited to situations in which coverage is available to the absent parent at reasonable cost.

Section 306.51(a) would also require the IV-D agency to inform the Medicaid agency of any new or modified orders for support in AFDC cases that include medical support and to provide the health insurance policy name and number and names of persons covered if this information is available at the time the order is issued.

Section 306.51(b) would require the IV-D agency to provide the services under paragraph (a) upon request by an individual who applies for these services under 45 CFR 302.33.

The enforcement of medical support orders and other follow-up activities are not required of the IV-D agency under these proposed regulations, but are the responsibility of the State Medicaid agency.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511), the State plan amendment that is required by this regulation will be submitted for approval to the Office of Management and Budget (OMB). It is not effective until OMB approval has been obtained and the public has been notified to that effect through publication of a final regulation.

Sections 306.50 and 306.51 of this proposed rule contain information collection requirements. As required by section 3504(h) of Pub. L. 96-511, we have submitted a copy of this proposed rule to OMB for its review of these information collection requirements. Other organizations and individuals desiring to submit comments on the information collection requirements should direct them to the agency official designated for this purpose whose name appears in this preamble, and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building (Room 3208), Washington, D.C. 20503, ATTN: Desk Officer for HHS.

Regulatory Impact Analysis

Section 1(b) of Executive Order 12291 states that a major rule is one that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Executive Order requires that for major rules, we prepare a regulatory impact analysis which describes the potential benefits and costs of the rule, together with the potential benefits and costs of alternative approaches.

We estimate that in FY 1984 these regulations will save approximately $89 million in Federal Medicaid expenditures and approximately $70 million in State Medicaid expenditures. Child Support Enforcement program costs are not expected to exceed $1 million, since IV-D agencies will obtain only information that is readily available during the regular processing of IV-D cases, will petition to include medical support only in new or modified child support orders, and will submit information to Medicaid agencies by the most effective means possible. We have determined that this is a major rule. The discussion below, together with the preamble as a whole, constitute the regulatory impact analysis.

The rule will have little or no *net* economic effect, because it will not change substantially the total amount that will be spent on medical care for dependent children of absent parents. The effect here is not the level of medical coverage but rather who will

finance it—parents, third party payors, and ultimately, employers and employees who pay premiums, versus the Medicaid program and taxpayers. In any event, total expenditures will be about the same, and this regulation, therefore, results in a redistribution of resources with little or no net impact.

Alternatives to this proposed rule have been examined and rejected. The Department considered continuing to rely on the current system, in which medical support enforcement activities are pursued only through optional cooperative agreements between the State IV-D agency and the State Medicaid agency. However, as stated earlier in the preamble, most States have not elected to enter into such agreements, and, therefore, medical support enforcement efforts have been minimal. Another rejected option was to have the Medicaid agencies establish new and separate systems for these medical support activities. However, this would result in unnecessary expense and duplication of effort, since the IV-D agencies are already locating absent parents and collecting certain information anyway. The alternative which has been selected in these proposed regulations will provide great benefits to Federal and State governments at minimal burden to State IV-D agencies.

Under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), we are required to prepare a regulatory flexibility analysis for those rules which will have a significant economic impact on a substantial number of small entities. This proposed rule will not have a significant economic impact on a substantial number of small entities. Its principal impact is on State IV-D agencies (who will be required to expend minimal additional effort), and third party payors. Although this rule can be expected to result in additional third party payments of over $100 million annually, this amount represents a small fraction of one percent of costs (and premiums for) health insurance, and will not have a significant economic impact. Therefore, a regulatory flexibility analysis is not required.

List of Subjects

45 CFR Parts 302 and 304

Child welfare, grant programs/social programs.

45 CFR Part 306

Child welfare, Grant programs/social programs, Medicaid.

For the reasons set out in the preamble, Chapter III of Title 45 of the Code of Federal Regulations is proposed to be amended as follows:

PART 302—[AMENDED]

1. 45 CFR 302.80 is revised to read as follows:

§ 302.80 Medical support.

(a) The State plan may provide that the IV-D agency will secure and enforce medical support obligations under a cooperative agreement between the IV-D agency and the State Medicaid agency. Cooperative agreements must comply with the requirements contained in Subpart A of Part 306 of this chapter.

(b) The State plan must provide that the IV-D agency shall secure medical support information and medical support obligations in accordance with the requirements contained in Subpart B of Part 306 of this chapter.

PART 304—[AMENDED]

2. Section 304.20 is amended by adding a new paragraph (b)(11) to read as follows:

§ 304.20 Availability and rate of Federal financial participation.

* * * * *

(b) * * *

(11) Required medical support activities as specified in Part 306, Subpart B, of this chapter.

3. Section 304.23 is amended by revising paragraph (g) to read as follows:

§ 304.23 Expenditures for which Federal financial participation is not available.

* * * * *

(g) Medical support enforcement activities performed under cooperative agreements in accordance with Part 306, Subpart A, of this chapter.

* * * * *

PART 306—[AMENDED]

4. 45 CFR Part 306 is amended by adding a Subpart A heading after § 306.1 consisting of §§ 306.2-306.40, by adding a Subpart B heading after § 306.40 consisting of §§ 306.50 and 306.51, by revising § 306.0, and by adding new §§ 306.50 and 306.51 to read as follows:

PART 306—MEDICAL SUPPORT ENFORCEMENT

Sec.

* * * * *

Subpart A—Optional Cooperative Agreements

* * * * *

Subpart B—Required IV-D Activities

306.50 Securing medical support information.

Sec.

306.51 Securing medical support obligations.

* * * * *

§ 306.0 Scope of this part.

Subpart A of this part defines the rquirements for an optional cooperative agreement between the IV-D agency and the Medicaid agency for the purpose of enforcing medical support obligations under section 1912 of the Act. Subpart B of this part prescribes the required medical support activities to be performed by the IV-D agency.

* * * * *

Subpart A—Optional Cooperative Agreements

* * * * *

Subpart B—Required IV-D Activities

§ 306.50 Securing medical support information.

(a) If the IV-A agency does not provide the information specified in this paragraph to the Medicaid agency and if the information is available or can be obtained during the regular processing of a IV-D case for which an assignment is in effect under title IV-A of the Act (45 CFR 232.11), the IV-D agency shall obtain the following information on the case:

(1) AFDC case number, Medicaid number or the individual's social security number;

(2) Name of absent parent;

(3) Social security number of absent parent;

(4) Name and social security number of child(ren);

(5) Home address of absent parent;

(6) Name and address of absent parent's place of employment;

(7) Whether the absent parent has a health insurance policy and, if so, the policy name and number and names of persons covered.

(b) The IV-D agency shall obtain the information specified in paragraph (a) of this section upon request by an individual who applies for IV-D services under § 302.33 of this Part if the information is available or can be obtained during the regular processing of the IV-D case.

(c) The IV-D agency shall provide the information obtained under paragraphs (a) and (b) of this section to the Medicaid agency by the most efficient and cost-effective means available, using manual or existing automated systems.

§ 306.51 Securing medical support obligations.

(a) With respect to cases for which there is an assignment in effect under

§ 232.11 of this Part, the IV-D agency shall:

(1) Petition to include medical support in new or modified court or administrative orders for child support if medical coverage is available to the absent parent at reasonable cost; and

(2) Inform the Medicaid agency when a new or modified court or administrative order for child support includes medical support and provide the health insurance policy name and number and names of persons covered if this information is available at the time the order is entered.

(b) The IV-D agency shall provide the services specified in paragraph (a) of this section upon request by an individual who applies for IV-D services under § 302.33 of this Part.

(Section 1102 of the Social Security Act (42 U.S.C. 1302) and section 454(13) of the Social Security Act (42 U.S.C. 654(13))

(Catalog of Federal Domestic Assistance Program No. 13.679, Child Support Enforcement Program)

Dated: March 18, 1983.

John A. Svahn,

Director, Office of Child Support Enforcement.

Approved: April 29, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83-20334 Filed 7-27-83; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 83-11; Notice 1]

Hydraulic Brake Systems

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an amendment to Standard No. 105, *Hydraulic Brake Systems*, that would permit smaller brake fluid reservoirs in vehicles with gross vehicle weight ratings over 10,000 pounds that are equipped with self-adjusting brakes and brake fluid level indicators. The notice is being issued in response to a petition by International Harvester for a somewhat similar rulemaking action. The agency disagreed with some of the specific suggestions in the petition and declines to adopt the petition in its entirety. However, the agency tentatively concludes that some reduction in reservoir size can be achieved while maintaining safe vehicle brake systems. Accordingly, the agency is proposing that reduction in this notice. If adopted, this amendment would make small cost savings available to those manufacturers who choose to use the smaller brake fluid reservoirs.

DATES: Comments must be received on or before September 26, 1983. This proposal would become effective upon publication of a final rule in the **Federal Register.**

ADDRESSES: Comments should refer to the docket number of this notice and be submitted to Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. The docket is open on weekdays from 8 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Vernon Bloom, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2153).

SUPPLEMENTARY INFORMATION: International Harvester (IH) petitioned the agency on November 2, 1981, to amend Standard No. 105, *Hydraulic Brake Systems*, in a way that would reduce the reservoir capacity of hydraulically-braked vehicles. IH claimed that current requirements for reservoir capacity were too large when applied to the reservoirs for disc brakes, and that they impeded the development of new disc brake systems for heavy vehicles. IH claimed that the existing requirements of the standards were designed to provide sufficient fluid capacity in the event that all of a vehicle's drum brake linings wore out. IH asserted that these events would rarely occur at the same time and that a reduction in the capacity of the reservoir would be possible while still maintaining partial braking capability.

The NHTSA has thoroughly studied this issue and has tentatively concluded that some of IH's arguments have merit. The original requirements of the standard for fluid capacity were based upon maintaining a sufficient supply of fluid to enable a vehicle to stop even when there was complete brake lining wear-out in drum brakes. When those requirements were established, most brakes did not have self-adjusting devices. As the brakes wore, additional fluid was required to move the linings into contact with the drum.

Since then, disc brake systems have become common. These systems require slightly larger volumes of fluid to apply force on the small disc brake pads. As a result, volume requirements increased appreciably. However, all current disc brake systems are self-adjusting. Self-adjusting brakes reposition themselves to compensate for brake shoe wear. As a result, there is less need for extra fluid than in the case of drum brakes for disc brakes to be moved into place by means of fluid displacement during normal operations. Accordingly some reduction in brake fluid reservoir capacity appears possible.

However, the agency does not agree with several assumptions and statements made by the IH. As stated earlier, IH indicated its view that ensuring partial brake effectiveness would meet the intent of the standard. The agency disagrees. When the heavy vehicles are fully loaded, their brakes are subject to substantial strain. It would not be in the interest of safety to have a portion of the brake system inoperable at these times. Also, IH mentioned that under normal maintenance, brake problems will not occur with reduced fluid capacities. However, data generated by the Bureau of Motor Carrier Safety and State inspections indicate that maintenance of truck brake systems is not good.

Since disc brakes can provide a better braking system and in consideration of the continued need to provide sufficient safety in braking systems, the agency tentatively concludes that it should propose allowing reduced fluid capacity in hydraulic brake systems when some additional safeguards are incorporated to ensure the safety of the vehicles having this reduced volume.

The proposal being issued today will accomplish the safety goal of the agency while allowing brake manufacturers the option of using smaller fluid reservoirs. the proposal would specify a minimum capacity of the reservoir. The minimum size would be not less than the volume displacement of the largest brake subsystem of the vehicle as currently measured by existing requirements of S5.4.2 of the standard for total system displacement.

In order to ensure safety in vehicles that would incorporate this smaller brake reservoir, the agency would require several changes to vehicle brake systems in these vehicles. The brakes would be required to be self-adjusting. This requirement is necessary since self-adjusting brakes require less reserve fluid to perform properly. Since reservoir size reduction is primarily directed to benefitting disc brake systems, the requirement for self-adjusting brakes should not pose an additional problem or expense. Disc brake systems already employ self-adjusting mechanisms as they are currently produced.

The agency would also require an additional safety device to be installed on vehicles that have reduced brake fluid reservoirs. Since loss of fluid in these vehicles would be more likely to pose a problem than in existing vehicles where the fluid capacity is more substantial, the agency would require the inclusion of a brake fluid level indicator in the vehicle to alert the vehicle operator to low fluid levels. Some vehicles are currently equipped with this type of mechanism so the incorporation of this requirement for vehicles that would be impacted by reduced reservoir size would not pose a technological problem.

The agency also proposes that this reservoir reduction amendment be applicable only to vehicles with gross vehicle weight ratings (GVWR) in excess of 10,000 pounds. The agency believes that these vehicles are the ones that are more substantially affected by the fluid reservoir size problems and that the correction of this problem can best be addressed by focusing on these limited vehicles.

The agency has considered the costs and other impacts of this proposal and has determined that the proposal would not be major within the meaning of Executive Order 12291 or significant within the meaning of the Department of Transportation's regulatory procedures. The basis of these determinations is that the proposal would have little impact on the design or cost of vehicles. The proposal is being advanced to permit some slight weight reductions from reduced reservoir sizes. The agency believes that the cost impact of the proposal would be minimal. The reduced reservoir size would result in a slight decrease in the cost of that component. However, the brake fluid indicator would add a slight cost to the vehicle. The net impact would approach no cost increase or decrease. Since the proposed change would be optional and would involve minor cost savings, a full regulatory evaluation has not been prepared for this action.

The agency has considered the effects of this proposal in relation to the Regulatory Flexibility Act. I certify that it would not have a significant economic impact on a substantial number of small entities. The effect of the proposal on small manufacturers of vehicles or vehicle brake systems which took advantage of the proposed option should be beneficial in that option would permit them to reduce reservoir size and weight. Any small manufacturer that wished to do so could continue to produce its brake systems as it is doing today, since the proposal is only an option and not a mandatory requirement.

The proposal would not have a significant impact on a substantial number of small government jurisdictions or small organizations. While small organizations or governments may purchase these vehicles, their costs should be minimally reduced by the impact of this proposal.

Finally, the agency has analyzed this amendment for purposes of the National Environmental Policy Act. The agency has determined that the implementation of this proposed amendment would not have a significant effect on the human environment.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

To accomplish the changes outlined above, the agency would amend S5.4.2 of Standard No. 105, *Hydraulic Brakes*, in Title 49 of the Code of Federal Regulations at Part 571, as follows:

PART 571—[AMENDED]

§ 571.105 [Amended]

1. In § 571.105, the existing language of S5.4.2 would be retained and redesignated as paragraph (a).

2. A new paragraph (b) would be added to S5.4.2 to read as follows:

* * * * *

(b) Notwithstanding the requirements of S5.4.2(a), any vehicle with a GVWR greater than 10,000 pounds may have a total minimum reservoir capacity not less than the volume displacement of the largest subsystem of the vehicle brake system, measured in the same way as specified in S5.4.2(a) for total system displacement, if each of the following conditions is met—

(1) The vehicle shall have self-adjusting mechanisms on all brakes. Disc brakes with lip-type retractor seals are considered self-adjusting.

(2) The brake system shall incorporate one or more fluid level indicator devices that comply with the requirements of S5.3.1(b).

* * * * *

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

Issued on July 20, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83-20289 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1309 and 1310

[Ex Parte No. MC-170]

Short Notice Effectiveness for Independently Filed Motor Carrier and Freight Forwarded Rates

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Pursuant to 49 U.S.C. 10762(d)(1), the Commission proposes to reduce the notice period required for independent rate filings by freight forwarders and motor common carriers of property. Rate reductions and new rates would be permitted to become effective on 1 day's notice, and rate increases would be permitted to become effective on 5 days' notice. We intend to issue final rules within 90 days of receipt of comments.

DATES: Comments are due September 12, 1983. No extensions of the due date will be granted.

ADDRESS: The original and, if possible, 15 copies of comments should be sent to: Ex Parte No., MC-170, Room 2203, Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Thomas T. Vining, (202) 275-7126

or

Howell I. Sporn, (202) 275-7691

SUPPLEMENTARY INFORMATION: The provisions of 49 U.S.C. 10762(c)(3) generally provide that a proposed rate change or new or reduced rate filed by a carrier other than a rail carrier may not become effective until 30 days after filing. However, under section 10762(d)(1), The Commission may reduce this notice period "if cause exists." In recent years, we have granted several blanket special permissions and numerous individual requests authorizing short-notice effectiveness for motor carrier rates in specified circumstances, and carriers have always been permitted to file petitions for short-notice effectiveness to cover any situation. Such petitions are routinely entertained.

The Commission has tentatively concluded that cause exists to reduce the required notice period for all independently filed rate changes by freight forwarders and motor common carriers of property. We propose to permit rate reductions and new rates to become effective on 1 day's notice and to permit rate increases to become effective on 5 days notice.

The current 30-day notice requirement for both increases and decreases in common carrier rates predates the Motor Carrier Act of 1980 (MCA), Pub. L. 96-296, 94 Stat. 783 (1980). This requirement was part of a pervasive regulatory framework which in many ways promoted rate uniformity and inhibited entry into the industry. By contrast, the MCA significantly promoted rate flexibility and relaxed entry standards. One result has been an upsurge in rate and service competition among carriers. As the competitive nature of the industry has changed, a carrier's ability to respond to new market demands free of unnecessary regulatory interference has taken on increased importance. The failure to act promptly can mean the permanent loss of existing traffic to a competitor or an inability to attact new traffic. The vast number of special permission applications for short-notice rate effectiveness that have been filed with the Commission in recent months is only one indication of the need for quick response to competitive pressures. In these circumstances, we believe the current notice requirements constitute a significant burden on individual carriers and on the industry as a whole, and limit the price/service options available to shippers at any given moment.

The potential benefits of reducing the notice requirements are substantial. Carriers would have increased flexibility to implement marketing strategies and to respond to competitive initiatives by other motor common carriers. The current level of competition among motor common carriers, and the likelihood that competition will increase in the future, enhance the importance to any successful carrier of flexibility in setting its rates. The proposed reduction in notice requirements should also assist common carriers in meeting competition from motor contract carriers and rail carriers, and in attracting traffic from private carriage. The Commission recently exempted contract carriers from all tariff filing requirements. Ex Parte No. MC-165, *Exemption of Motor Contract Carriers From Tariff Filing Requirements*, 48 FR 24388 (June 1, 1983). This exemption permits contract carriers to change rates with no regulatory delay. The proposal here, while not eliminating all filing requirements for common carriers, will nonetheless greatly reduce regulatory burdens on these carriers and enhance their competitive opportunity.

Rail carriers are now authorized to file rate increases and decreases on less than 30 days' notice, and under 49 U.S.C. 10505 the Commission has exempted a considerable segment of rail service from regulation in connection with individual commodities and classes of service. Of particular relevance here is the exemption of trailer-on-flatcar (TOFC) and container-on-flatcar (COFC) service. Ex Parte No. 230 (Sub-No. 5), *Improvement of TOFC/COFC Regulation*, (not printed), served February 19, 1981, *aff'd sub. nom. American Trucking Associations* v. *I.C.C.*, 656 F.2d 1115 (5th Cir. 1981). This type of rail service is directly competitive with motor carrier service, and rail carriers are now free immediately to raise or lower TOFC/COFC rates to any shipper. Although we lack the statutory authority to exempt motor common carriers from all tariff filing requirements, or to grant rate-related exemptions to motor carriers for commodities or classes of service, a reduction in the notice requirements for motor common carrier tariffs would provide these carries with a degree of the relief from burdensome regulation already enjoyed by rail carriers and recently afforded to motor contract carriers.

Shippers likewise should benefit from a reduction in notice requirements. The ability to secure transportation services at competitive rates, and without delay, is crucial to retaining existing markets and penetrating new markets for a shipper's products. The present 30-day notice requirement for common carrier rates limits the shipper's freedom to choose the most responsive carrier for time-sensitive deliveries. It also discourages shippers from testing the services of a new carrier. Reduction of the notice requirements would lessen these problems and allow carriers already serving a particular shipper to meet new competition for that traffic and the changing transportation needs of that shipper.

In today's competitive trucking industry, reduction of the notice period for rate increases and decreases would also be consistent with greater use of the zone of rate freedom (ZORF). 49 U.S.C. 10708(d). The Commission has no jurisdiction to "investigate, suspend, revise, or revoke" any rate within the zone as being too high or too low. The purpose of the ZORF is to provide "individual motor carriers of property . . . with greater freedom to establish rates free of regulatory interference." H.R. Rep. No. 1069, 96th Cong., 2d Sess. 24 (1980). Due to the increased level of rate competition in the motor carrier industry, we have recently proposed to expand the scope of this zone in Ex Parte No. MC-169, *Expansion of Zone of Reasonableness for Motor Common Carriers of Property and Freight Forwarders*, 48 FR 20780 (May 9, 1983). Our proposal here thus conforms with other provisions of the MCA and with other actions taken by the Commission under that Act.

Balanced against the benefits and policies identified above, we perceive few practical reasons to retain a 30-day notice requirement. Even apart from the ZORF provisions, it is unlikely that any motor carrier rate reduction could be successfully challenged prior to its effective date on the grounds that it results in an unreasonably low rate. Predation is an improbable pricing

strategy in view of the competitive posture of the motor carrier industry. Discrimination will also continue to be unlawful, but, like predation, difficult to prove before rates actually become effective. We continue in the conviction that predation and discrimination are issues best dealt with by complaint rather than in summary proceedings prior to effectiveness of tariff matter. *See Lawfulness of Vol. Discount Rates Mot. Com. Car.*, 365 I.C.C. 711, 716 (1982). Especially given the limited utility of the investigation and suspension remedy in this context, there is little justification for delaying all rate reductions for 30 days out of concern for unlikely problems with a few of the filings.

We also propose to allow independently filed new rates to become effective on 1 day's notice. The same considerations which support reduction of the notice period for rate reductions apply to new rates. Many new rates are filed after initial contract between a carrier and shippers, and for this reason it is unlikely that a new rate would be challenged as unreasonably high. Reduction of the notice period for new rates would give carriers added flexibility to respond to the transportation needs of shippers they have not served in the past. Moreover, retention of a longer notice requirement for new rates than for reductions in existing rates would discourage shippers from testing the services of new carriers.

Retention of a 30-day notice requirement for rate increases, after reducing the notice requirement for decreases, could discourage carriers from filing rate reductions because of the costly delay in again raising those rates if competitive conditions subsequently warrant such an action. Five days' notice for increases would give affected shippers the opportunity to consider alternative transportation services in the event that the increased rates were unreasonably high. As with the possibility of predation in connection with rate reductions, we think carriers are unlikely to implement unreasonably high rate increases in the face of pervasive competition in the motor carrier industry. Moreover, in this highly competitive arena, carriers would be ill-advised to raise rates significantly without first advising and discussing the matter with the shippers. In any case, shippers confronted with such increases could quickly switch their traffic to alternate carriers which could, if necessary, file new rates on 1 day's notice. Again, we see no valid reason for denying carriers and shippers the benefits of expedited rate effectiveness out of a speculative concern for unreasonable rate increases. The marketplace is a more effective regulator of unreasonably high rates than this Commission. To the extent the Commission can play an effective role in this area, the *ex post* complaint process usually offers a more useful forum than the more summary investigation and suspension procedure.[1]

We recognize that a 5-day notice period for rate increases could make it more difficult for small shippers, and particularly shippers of less-than-truckload traffic, to react to rate changes. Carriers are unlikely to implement substantial rate increases on traffic of their larger shippers without some discussion. Small shippers, however are less likely to receive such advance notification and may find it more difficult to quickly obtain alternate service. We anticipate that most problems will be experienced in the period immediately following reduction of the notice requirement and that small shippers will eventually adjust their operations to the carriers' new flexibility in pricing their services. In any event, the potential for such problems appears not so great as to outweigh the advantages to both shippers and carriers of reduced notice periods. Small and large shippers have benefited from the rate reductions and discounts implemented by motor carriers during the recent recession. As carriers take advantage of the economic upturn to improve their revenue positions, any burden should be borne by small shippers as well as large shippers. Moreover, all shippers will benefit from the shorter notice periods for rate reductions, and we have noted earlier in this decision that retention of a 30-day period for rate increases could discourage carriers from filing reductions on 1 day's notice. We believe that, on balance, small shippers will benefit from adoption of our proposals despite the possible transitional difficulty of adjusting to a reduced notice period for rate increases.

The foregoing analysis has focused primarily on motor carrier operations. Many of the considerations discussed above, as well as the competitive relationship between freight forwarders and motor carriers, also support adoption of 1- and 5-day notice periods for freight forwarder rates. A freight forwarder is a consumer of motor carrier service and a competitor with motor carrier service, particularly where movements of small shipments are involved. Reduction of motor common carrier notice periods without a concomitant reduction in notice periods for freight forwarder rates could seriously impair the freight forwarders' ability to compete. This reduction in the overall level of competition would be inconsistent with current Commission policy and the pro-competitive thrust of the Motor Carrier Act of 1980. Moreover, equality of notice periods for motor carrier and freight forwarder rates would conform to the Commission's policy of according parity in the treatment of these two types of regulated entities. We also note that freight forwarders are permitted to make use of the ZORF provisions of section 10708(d), and any reduction in freight forwarder notice periods would be consistent with that statutory provision, which is likewise available to motor carriers. In summary, we believe it would be anomalous to allow motor carriers increased flexibility in implementing management pricing decisions without allowing similar flexibility for freight forwarders. Comments on this issue are of course welcome.

We are not proposing any changes in the notice requirements for tariffs docketed with rate bureaus in advance of filing with the Commission. The foregoing conclusions appear inapplicable to the docketed rate. The process of discussion and voting that follows docketing is inconsistent with expedited response to market forces and the actions of competitors. Thus, the increased flexibility for carriers to respond quickly to shipper needs which is at the core of our proposal is not relevant to docketed rates.

Finally, adoption of the proposed notice requirements should eliminate most, if not all, of the many special permission filings now received from motor common carriers.[2] Adoption of

[1] The very limited utility of the investigation and suspension remedy is forcefully illustrated by certain statistics. During fiscal year 1982, only 263 protests against motor carrier publications were filed. Of these, 28 were suspended in full, one was suspended in part, one was investigated, but not suspended, 184 were not suspended or investigated, and 49 were otherwise disposed of. During the first five months of calendar 1983, only four motor carrier tariffs were suspended. These figures reinforce our belief that motor carriers are being denied needed flexibility to implement pricing changes which are very unlikely to be subject to successful protest.

[2] These proposals, if adopted, would also supersede the policy adopted in 1980 in Ex Parte 297 (Sub-No. 5) through which the Commission sought to shield for a 30 day period certain motor rate reductions from matching rate filings by competitors. *Motor Carrier Rate Bureaus-Implementation of Pub. L. 96-296*, 364 I.C.C. 464 (1980), *off'd.* 264 I.C.C. 921 (1981), *off'd. in part, sub nom. American Trucking Association, Inc.* v. *United States*, 688 F. 2d 1337 (11th Cir. 1982), *cert.* granted June 20, 1983.

these proposals would require amendments to the tariff regulations for freight forwarders and motor common carriers found at 49 CFR Parts 1309 and 1310.[3]

We invite comments from interested persons in response to the proposals made in this notice.

This action does not appear to affect significantly the quality of the human environment or the conservation of energy resources. Comments are welcome on these issues.

Regulatory Flexibility Analysis

Adoption of the proposals in this notice will not have a significant economic impact on a substantial number of small entities. To the extent the proposals would affect small entities, the effects would be largely positive, since carriers would have additional flexibility in responding to market demands. The overall effect on small shippers would also be positive since they too would benefit from the carriers' ability to be more responsive to their needs. Comments on this issue are also invited.

The index terms for 49 CFR Parts 1309 and 1310 are as follows: exports, freight, imports, intermodal transportation, maritime carriers, freight forwarders and motor carriers. Authority: 49 U.S.C. 10321, and 10762(d)(1), and 5 U.S.C. 553.

Decided: July 12, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Chairman Taylor concurred in part and dissented in part with a separate expression. Vice Chairman Sterrett and Commissioner Andre would also reduce the notice periods for collective rate filings.

Agatha L. Mergenovich,

Secretary.

Chairman Taylor, concurring in part and dissenting in part:

For a shipper or other party to have an opportunity to make a meaningful protest *before* a motor carrier rate becomes effective, a minimum of fifteen days' notice is required. Regardless of whether the tariff publication is a decrease, increase, or a new rate, anything less than fifteen days' notice doesn't give a potential protestant time to act.

Furthermore, it is highly questionable whether a shipper or other interested party would even have knowledge of a rate that is allowed to become effective on less than ten days' notice. Such knowledge becomes even more problematical if the tariff is filed after the close of business on a Friday, as is often the case.

The proposal here clearly indicates that right now there is no appetite at the Commission for a meaningful notice period prior to the time an independently filed rate becomes effective. The suggested one-day and five-day notice periods, as previously explained, are tantamount to no notice at all.

Under these circumstances, the sham of requiring five days' notice for independently filed increases should not be perpetrated. If the Commission is now convinced that no meaningful notice period is needed, then why not dispense with the charade and simply reduce the notice period for independently filed rates to the minimum level legally required under the statute, i.e., one day? See 49 U.S.C. 10762(d). To the person paying the freight bill, there is no practical difference between one day's notice and five days' notice. In either case, the change will be in effect before anyone sees it.

Given the Commission's present posture on meaningful notice *before* an independently filed rate becomes effective, an enlargement of the statutory minimum from one day to five for increases is merely an illusionary and unwarranted exercise in administrative gamesmanship.

[FR Doc. 83-20494 Filed 7-27-83; 8:45 am]

BILLING CODE 7035-01-M

[3] We have recently proposed to revise and consolidate all tariff publishing rules (to be located at 49 CFR Part 1312). See No. 37321, *Revision of Tariff Regulations-All Carriers.*

Notices

Federal Register
Vol. 48, No. 146
Thursday, July 28, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Meeting

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with § 800.6(d)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that the Advisory Council on Historic Preservation will meet at the Gideon Putnam Hotel and Conference Center, Saratoga State Park, Saratoga Springs, New York.

The Council was established by the National Historic Preservation Act of 1966 (16 U.S.C. 470) to advise the President and Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Architect of the Capitol, the Secretaries of the Interior, Agriculture, Housing and Urban Development, Treasury, Transportation; the General Services Administrator; the Chairman of the National Trust for Historic Preservation; the President of the National Conference of State Historic Preservation Officers; a Governor, a Mayor, and eight non-Federal members appointed by the President.

The Agenda for the meeting includes the following:

Call to Order
Chairman's Welcome
Order of Business
Consideration of Minutes of June 23, 1983, Meeting
I. Report of the Executive Director
II. Report of the Tax Task Force
III. Report of the General Counsel
  A. Regulations Review
  B. Litigation
IV. Report of the Office of Cultural Resource Preservation
  A. Panel Report: Long Beach Freeway, CA
  B. Status of Section 106 Cases
V. Evaluation and Planning Workshop
VI. New Business

DATE: The meeting will begin at 9:00 a.m., Monday, August 29, 1983.

FOR FURTHER INFORMATION CONTACT: Additional information concerning either the meeting agenda or the submission of oral and written statements to the Council is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Suite 430, Washington, D.C. 20005, 202-254-3967.

Dated: July 25, 1983.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 83-20467 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Coconino National Forest Grazing Advisory Board; Meeting

The Coconino National Forest Grazing Advisory Board will meet at 1:30 p.m., September 2, 1983, at the Coconino National Forest Supervisor's Office Conference Room, 2323 E. Greenlaw Lane, Flagstaff, Arizona.

The purpose of the meeting is to:

1. Review the minutes of the September 3, 1982 meeting.
2. Review the 1985-1986 and Proposed 1984 Work Plans involving Range Betterment Funds.
3. Review Allotment Management Plans that may come before the Board.

The meeting is open to the public.

Dated: July 20, 1983.

Neil R. Paulson,

Forest Supervisor.

[FR Doc. 83-20437 Filed 7-27-83; 8:45 am]

BILLING CODE 3410-11-M

Pacific Crest National Scenic Trail Advisory Council; Meeting

The Pacific Crest National Scenic Trail Advisory Council will meet on September 15 and 16, 1983, at Timberline Lodge in Timberline, Oregon. The meeting will begin on September 15 at 8:00 a.m. followed at 10:00 a.m. with a field trip to view the Pacific Crest Trail, trail facilities, and uses linked with the trail. The business session will continue at 8:00 a.m. on September 16 at Timberline Lodge.

The purpose of the meeting is to provide recommendations for the Secretary of Agriculture on broad questions of policy, programs, and procedures affecting the Pacific Crest Trail. The meeting will include a review of trail completion status, discussion of potential volunteer support organizations to assist in operation and maintenance of the trail, consideration of new uses on the trail, access and loop trails, and support facilities.

The meeting will be open to the public. Persons who wish additional information should contact Dick Benjamin, Recreation Staff Director, Pacific Southwest Region, Forest Service, 630 Sansome Street, San Francisco, California 94111, phone (415) 556-6983; or Dave Scott, Recreation Staff Director, Pacific Northwest Region, Forest Service, 319 SW. Pine Street, Box 3623, Portland, Oregon 97208, phone (503) 221-3644.

Dated: July 20, 1983.

Zane G. Smith, Jr.

Chairman.

[FR Doc. 83-20438 Filed 7-27-83; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

Agency: International Trade Administration, Commerce.

Federal Register Citation of Previous Announcement: 48 FR 32208 July 14, 1983

Previously announced time and date of the meeting: 1:30 P.M., August 2, 1983

Changes in the meeting: 9:00 A.M., August 4, 1983, Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C.

Dated: July 25, 1983.

Milton Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 83-20513 Filed 7-27-83; 8:45 am]

BILLING CODE 3510-25-M

Final Determination of Sales at Less Than Fair Value; Greige Polyester/Cotton Printcloth From the People's Republic of China

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Determination of Sales at Less Than Fair Value: Greige Polyester/Cotton Printcloth from the People's Republic of China.

SUMMARY: We have determined that greige polyester/cotton printcloth from the People's Republic of China is being sold, or is likely to be sold, in the United States at less than fair value. Therefore, we have notified the United States International Trade Commission (ITC) of our determination, and the ITC will determine whether these sales at less than fair value have caused injury to a U.S. industry. We have directed the U.S. Customs Service to continue to suspend the liquidation of all entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of our preliminary determination on March 9, 1983 and to require a cash deposit or bond for each such entry in an amount equal to the estimated dumping margin as described in the "Continuation of Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: July 28, 1983.

FOR FURTHER INFORMATION CONTACT: Rick Herring or Michael Ready, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-3963 or 377-2613.

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that greige polyester/cotton printcloth (printcloth) from the People's Republic of China (PRC) is being sold, or is likely to be sold, in the United States at less than "fair value", as provided in section 735 of the Tariff Act of 1930, as amended (the Act).

For the printcloth sold by China National Textiles Import and Export Corporation (Chinatex) the only exporter of the subject merchandise, we have found that the foreign market value exceeded the United States price on 100.0 percent of sales compared. These margins ranged from 21.3 percent to 29.4 percent. The weighted-average margin on all sales compared is 22.4 percent.

Case History

On August 5, 1982, we received a petition in proper form from the American Textile Manufacturers Institute and certain member companies, filed on behalf of the United States industry producing greige polyester/cotton printcloth. The petitioners alleged that greige polyester/cotton printcloth from the People's Republic of China is being sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such sales are materially injuring, or are threatening to materially injure, a United States industry.

After reviewing the petition, we determined it contained sufficient grounds to initiate an antidumping investigation on greige polyester/cotton printcloth. We notified the ITC of our action and initiated this investigation on August 26, 1982 (47 FR 38569). The ITC informed the Department on September 20, 1982, that there is a reasonable indication that imports of greige polyester/cotton printcloth from the People's Republic of China are materially injuring, or are threatening to materially injure, a United States industry. Therefore, we proceeded with this investigation. On December 9, 1982, we determined this case to be "extraordinarily complicated," as defined in section 733(c) of the Act. Therefore, we extended the period for making a preliminary determination from January 12, 1983, until March 3, 1983 (47 FR 56376).

On March 9, 1983, we preliminarily determined that greige polyester/cotton printchloth from the People's Republic of China is being, or is likely to be, sold in the United States at less than fair value (48 FR 9898). On March 28, 1983, we postponed the date for making a final determination in this investigation until July 22, 1983 (48 FR 12763). On May 20, 1983, we amended our original notice of preliminary determination (48 FR 22770).

Scope of Investigation

The product covered by this investigation is unbleached and uncolored printcloth fabric (other than 80x80 type) in chief value of cotton, containing polyester, and currently provided for in items 326.26 through 326.40 of the *Tariff Schedules of the United States*. As of January 1, 1983, the appropriate statistical suffix is 32. Previously the appropriate statistical suffixes were 32 and 92. The term "printcloth" refers to plain-woven fabric, not napped, not fancy or figured, or singles yarn, not combed, of average yarn number 26 to 40, weighing not more than 6 ounces per square yard, of a total count of more than 85 yarns per square inch, of which the total count of the warp yarns per inch and the total count of the filling yarns per inch are each less than 62 percent of the total count of the warp and filling yarns per square inch.

Since Chinatex is the only exporter of greige polyester/cotton printcloth from the People's Republic of China, we limited our investigation to that company.

This investigation covers the period from March 1, 1982 through August 31, 1982.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used both the purchase price and the exporter's sales price of the subject merchandise to represent United States price. For sales by Chinatex made to unrelated pruchasers prior to the importation of the merchandise into the United States, purchase price was used. For sales made by Huafang Trading Company (Huafang), an importer releted to Chinatex, the first sale to an unrelated purchaser occurred after importation of the merchandise into the United States; therefore, exporter's sales price was used.

We calculated purchase price based on the C&F price to unrelated purchasers. Where appropriate, we made deductions for inland freight, ocean freight, and dock storage.

All exporter's sales price transactions were made from stock. We calculated exporter's sales price based on the price at which Huafang sold the merchandise to unrelated purchasers. Where appropriate, we made deductions from and adjustments to this price for commissions, customs duty, insurance, inland and ocean freight, and for selling expenses incurred by Huafang in the United States.

In the case of purchase price transactions, conversions of Chinese to United States currency were based on the rate of exchange in effect on the date of purchanse. In the case of exporter's sales price transactions, currency conversions were based on the rate of exchange in effect of the date of exportation.

Foreign Market Value

In accordance with section 773 of the Act, we used surrogate country prices to third countries to determine foreign market value. Petitioners alleged that the economy of the People's Republic of China is state-controlled to the extent that sales of the subject merchandise

from that country do not permit a determination of foreign market value under 19 U.S.C. 1677b(a). After an analysis of the PRC's economy, and careful consideration of the briefs submitted by the parties, the Commerce Department concluded that the PRC is a state-controlled-economy country for purposes of this investigation.

Some of the factors involved in determining the state-controlled issue are that the major input, cotton, has production targets and prices set or heavily influenced by the state, and that the textile industry has a dual pricing structure that is heavily influenced by the state.

As a result, section 773(c) of the Act requires us to use prices or the constructed value of such or similar merchandise in a "non-state-controlled-economy" country. Our regulations established a preference for foreign market value based upon sales prices. They further stipulated that, to the extent possible, we should determine sales prices on the basis of prices in a "non-state-controlled-economy" country at a stage of economic development comparable to the country with the state-controlled economy.

It was determined, after an analysis of countries which produce printcloth, that Thailand would be the most appropriate surrogate. We then secured the cooperation of a producer of printcloth in Thailand.

We based foreign market value on the prices at which the Thai producer sold printcloth to third country markets, because the producer made no sales of such or similar merchandise for consumption in the home market of Thailand. The terms of sale for all third country sales were C&F. From the C&F price we made deductions, where applicable, for inland freight in Thailand, ocean freight, foreign inland freight in the country of destination, and sales commissions to unrelated parties.

The product sold by the Thai producer to third country markets and the preponderance of the PRC product sold to the United States were both greige printcloth, 50 percent polyester and 50 percent cotton, of construction 78 x 54, with average yarn numbers of 35s, both warp and filling. The only difference in the two products was width. The Thai sales to third countries were in 62 and 64 inch widths, whereas the PRC sales to the United States were of 48 inch width. Therefore, the net foreign market value and the United States prices were converted from a linear yard basis to a square yard basis for the purpose of making our comparisons.

Verification

In accordance with section 776(a) of the Act, we verified all data use in making this determination in this investigation, by using standard verification procedures, including on-site inspection of manufacturer's operations and examination of accounting records and selected documents containing relevant information.

Submitted Comments

Petitioner's Comments

The following written comments were submitted by petitioners in response to our preliminary determination:

Comment 1

Petitioners argue that no adjustment should have been made pursuant to 19 CFR 353.15(c) for certain expenses of the Thai producer.

DOC Position

Our discussion of this comment contains business confidential information submitted by the surrogate producer. A complete discussion appears in a separate memorandum which is in the official file for this investigation.

We agree with the petitioners and have changed our calculations accordingly.

Comment 2

Petitioners argue that "Certain low priced PRC printcloth sales to the United States should not have been excluded from the Department's Dumping calculation."

DOC Position

This comment pertains to the Department's limiting its fair value comparisons to a single fabric construction (78 x 54). This is the only construction that was sold both by Chinatex to the United States and by the Thai producer to third countries. By so limiting our comparisons we avoided the necessity of gathering, verifying and analyzing cost of production data for the purpose of adjusting for differences in the merchandise.

Such adjustments are always difficult and controversial—especially when it is necessary to get information from a surrogate producer. Under 19 CFR 353.38(a), we are required to examine at least 60 percent of the dollar volume of exports to the United States from any country subject to an antidumping investigation. In this case, although we have not made comparisons on two fabric constructions, we have nevertheless still examined over 85 percent of the sales of printcloth from China to the United States during the period of consideration.

Comment 3

Petitioners argue that "The deduction for inland freight for purposes of calculating United States price is significantly understated."

Petitioners contend that we should not have based our deduction for inland freight in China (in calculating United States Price) on actual costs to the exporter because such costs are state-controlled and do not reflect market-place realities. Petitioner suggests that we should make the deduction based on estimated costs of equivalent transportation in Thailand.

DOC Position

In this case we have based our deduction for inland freight on actual, verified, costs paid by the exporter in China, since this is the best information available to the Department and it represents our best estimation of properly deductible inland freight charges.

Comment 4

Petitioners argue that "The selling expenses deducted from the exporter's sales prices were significantly understated."

DOC Position

This deduction was made pursuant to 19 CFR 353.10(e)(2), which requires, that in calculating exporter's sales price, a deduction will be made for "Expenses generally incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise, and attributable under generally accepted accounting principles to the particular merchandise under consideration." Huafang, during the period of investigation, was in the business of selling a number of other products besides printcloth. We calculated the deduction for selling expenses by dividing the total selling, general, and administrative expenses of Huafang by the company's total sales value for all products. Such an allocation is in our opinion an adequate reflection of the expenses generally incurred by or for the account of the exporter in the United States in selling identical or substantially identical merchandise.

Respondent's Comments

The following written comments were submitted by respondents in response to our preliminary determination:

Comment 1

Respondents argue that "Foreign Market Value should be based on contemporaneous Thai sales to the United States."

DOC Position

This argument is split into four sub-arguments which are discussed separately below:

1. The 48" printcloth sold by Thailand to the United States had a "greater degree of similarity" to the PRC merchandise under investigation than did the 64" printcloth sold by Thailand to third countries.

DOC Position

As noted above the merchandise compared was identical in every respect except width, and this width difference was adequately adjusted for by converting all prices from a linear to square yard basis. We think it more important to base foreign market value on sales of similar merchandise which were contemporaneous or reasonably contemporaneous with the PRC sales to the United States than a sales of identical merchandise which were made a year prior to the PRC sales to the United States.

2. The volume of Thai sales to the United States was more than four times that of Thai sales to third countries.

DOC Position

In our opinion, the Thai sales to third countries were of an adequate volume as to constitute a basis for calculating foreign market value, particularly since in the case of this merchandise there is no evidence that quantity has any substantial effect upon price. We think it more important that the Thai sales to third countries are more contemporaneous with the PRC sales to the United States than are the Thai sales to the United States.

3. The United States is the appropriate third country market in terms of organization and development.

DOC Position

In support of this argument respondents cite 19 CFR 353.5(c)(3) which states the criteria for selecting a third country market in non-state-controlled cases where the country whose exports are being investigated does not have a home market adequate for purpose of determining foreign market value.

Section 353.5(c) provides guidance for the selection of third countries, countries other than the United States and the country under investigation. It is clear from the language of paragraph (a) of § 353.5, which applies to the entire section, that, where based on sales to a third country, foreign market value shall be determined by sales "to countries other than the United States". Section 353.5 interprets and applies 19 U.S.C. 1677b(a)(1)(B) which excludes export sales to the United States as a basis for foreign market value. Even by its terms, *"most like* the United States" the regulation obviously intends that countries other than the United States will be considered. An interpretation which makes the United States an equal selection with other countries is not consistent with the intent of the antidumping statute and regulations.

Even if the Department agreed with respondent that sales to the United States were appropriate in this case, there were no sales from Thailand to the United States during the relevant time period under investigation. (See response to comment 4 below.)

4. Surrogate sales compared must be contemporaneous with PRC sales to the United States.

In this argument, respondents state that since the Thai sales to third countries are not perfectly contemporaneous with the PRC sales to the United States during the period of investigation we should change our period of investigation and base our comparison between Thai sales to the United States and PRC sales to the United States during the period of April through August, 1981.

DOC Position

Our discussion of this comment contains business confidential information submitted by the surrogate producer. Therefore our discussion is brief. A complete discussion appears in a separate memorandum which is in the official file for this investigation.

The Thai sales to third countries are perfectly contemporaneous with the exporter's sales price sales (about one-third of the total) and sufficiently contemporaneous with the purchase price sales as to constitute a proper basis for calculating foreign market value.

Comment 2

Respondents argue that "Foreign Market Value should be based on constructed value, using factors of production in China, if Thai sales to the United States are not employed."

DOC Position

The methodology favored by respondents is provided for in 19 CFR 353.8(c), which provides that such a methodology may be employed "If such or similar merchandise is not produced in a non-state-controlled-economy country comparable in terms of economic development to the state-controlled-economy country from which the merchandise is exported." In this investigation as noted above, Thailand is deemed to be comparable in terms of economic development to the PRC and produces such or similar merchandise. Therefore it is our opinion that 19 CFR 353.8(c) does not apply.

Comment 3

Respondents argue "If Foreign Market Value is determined by Thai sales to third countries, an adjustment must be made based on the value of the differences in merchandise between 64" and 48" printcloth.

DOC Position

It is the Department's position that by converting the prices at which both 64" and 48" wide printcloth are sold from a linear to square yard basis we have adjusted for whatever physical differences exist between the products sold to third countries and to the United States.

Comment 4

Respondents argue that "United States price respecting Chinatex's sales to Huafang should be determined based on the prices between the parties."

DOC Position

In this comment, the respondent argues that, for the sales of merchandise by Huafang, we should base United States price on the purchase price of the merchandise as calculated from the intercompany transfer price between Chinatex and Huafang rather than on exporter's sales price as calculated from the price at which Huafang sold the merchandise to an unrelated purchaser after the importation of the merchandise. Respondents base their argument on the contention that Huafang was selling at "going out of business" prices and that therefore such sales were not in the ordinary course of trade and therefore should be ignored by the Department.

The Department has in every case where merchandise is imported by a party related to the producer of the merchandise and not resold to an unrelated party until after the merchandise's importation, based United States price on the exporter's sales price of the merchandise as calculated from the price at which the merchandise was sold to an unrelated party. Whether or not in this instance the sales to unrelated parties were "not in the ordinary course of trade" is irrelevant since the Act permits ignoring

such sales only in calculating foreign market value—not United States price.

Suspension of Liquidation

On March 9, 1983, we instructed the United States Customs Service, in accordance with section 733(d) of the Act, to suspend liquidation of all entries of greige polyester/cotton printcloth from the People's Republic of China subject to this investigation. As of the date of publication of this notice in the **Federal Register**, the liquidation of all entries, or withdrawals from warehouse for consumption of this merchandise will continue to be suspended. The Customs Service shall require a cash deposit or the posting of a bond equal to the estimated average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. This suspension of liquidation will remain in effect until further notice. The weighted-average margin for greige polyester/cotton printcloth is 22.4 percent.

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports are materially injuring or threatening to materially injure a U.S. industry, before the latter of 120 days after the Department made its preliminary affirmative determination or 45 days after the Department made its final affirmative determination.

If the ITC determines that material injury or the threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, we will issue an antidumping order directing Customs officers to assess an antidumping duty on greige polyester/cotton printcloth from the People's Republic of China, entered, or withdrawn, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value of the merchandise exceeds the United States prices.

This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)).

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

July 22, 1983.

[FR Doc. 83-20469 Filed 7-27-83; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

National Voluntary Laboratory Accreditation Program; Fees for Personnel Dosimetry Laboratory Accreditation Program

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice of fees for accrediting processors of personnel radiation dosimeters.

SUMMARY: Under the National Voluntary Laboratory Accreditation Program (NVLAP), the National Bureau of Standards (NBS) announces the fees for the laboratory accreditation program (LAP) for processors of personnel radiation dosimeters (the "Dosimetry LAP"). A separate notice appearing in this issue of the **Federal Register** describes the accreditation process for the Dosimetry LAP. Processors interested in becoming accredited under this LAP may request an application package by contacting the Manager, Laboratory Accreditation, National Bureau of Standards.

EFFECTIVE DATE: August 29, 1983.

FOR FURTHER INFORMATION CONTACT: John W. Locke, Manager, Laboratory Accreditation, National Bureau of Standards, TECH B141, Washington, DC 20234; (301) 921-3431.

SUPPLEMENTARY INFORMATION:

Background. In a separate notice in this issue of the **Federal Register**, NBS announced the formal establishment of a laboratory accreditation program (LAP) for processors of personnel radiation dosimeters (the "Dosimetry LAP"). Pursuant to paragraph (a) of § 7b.10 of the NVLAP Procedures (15 CFR 7b.10(a)), notice is hereby given of the fees which the Director of the National Bureau of Standards (NBS) has established for the Dosimetry LAP.

Basis of Fees. NVLAP fees are established on the basis of recovering all of the operational costs incurred in evaluating processors seeking accreditation. The accreditation fee consists of several parts, which cover handling applications, administering proficiency testing, preparing evaluation reports and certificates, as well as the costs of assessors used in the evaluation process.

Monitoring Visits. The accreditation fee also includes an incremental factor to cover the costs associated with conducting monitoring visits to accredited processors. The purpose of these monitoring visits is to review the performance of the processors between regularly scheduled visits.

Fees for Foreign Processors. Processors located outside the United States will be offered NVLAP accreditation on the same basis and under the same criteria as required of domestic processors. However, the cost of the assessor's travel time and expenses and the cost of mailing proficiency testing materials outside of the continental United States will be added to the normal charges.

Dated: July 18, 1983.

John W. Lyons,

Acting Director, National Bureau of Standards.

Dosimetry Lap Fee Schedule

The accreditation fee for the Dosimetry LAP is composed of several parts. Some parts of the fee are fixed while others very depending on the scope of accreditation desired. The total accreditation fee must be paid before accreditation can be granted. The accreditation fee covers an accreditation period of two years.

LAP Enrollment Fee: This is a one-time fee of $400 for new applicants in the Dosimetry LAP. It covers the extra costs involved in assessing a processor for the first time. The part of the accreditation fee must be paid when an application for accreditation is submitted.

Administrative Fee: This is a fixed fee of $800 which is payable when an application for initial or renewal accreditation is submitted. It covers processing an application, performing monitoring visits, preparing evaluation reports, and preparing accreditation certificates.

Assessment Fee. The assessment fee covers the costs of preparing assessors, performing on-site visits, and completing evaluations. The minimum assessment fee is $1,000 based on a two work day visit, additional time will be charged at a rate of $400/workday for visits expected to extend beyond two workdays. For those processors which have one or more remotely located facilities an additional fee of $400 per location assessed will be charged. The number of remote locations that will be assessed will be determined from information supplied in the application

concerning the total number and nature of remote locations.

Proficiency Testing Fee. The proficiency testing fee is a variable fee covering the costs of administering proficiency testing for the scope of dosimetry processing requested for accreditation. The proficiency testing fee is the sum of each category fee for each dosimeter model/type for each category for which accreditation is requested. Table 1 lists the fees for each of the eight categories of testing. If a processor fails one or more categories, specified retesting will be required. The category fees for retesting will be the same will be billed as required.

TABLE 1.—Fee for Proficiency Testing by Category

[One dosimeter model/type tested in one category]

Category	Fee($)
I	725
II	725
III	725
IV	725
V	725
VI	900
VII	900
VIII	900

Special Administrative Fee: Some applicant processors may have difficulty in correcting identified deficiencies promptly. NBS incurs administrative cost to maintain such applicants in an "active" status. A processor who has not completed all requirements for accreditation within two years from the first day of the next quarter following receipt of the application, will be billed an administrative fee of $800 in order to continue the application in an active status. As an alternative, the processor may request that the application be suspended until such time that it is ready to be accredited. The full accreditation fee will be required when it is ready to be accredited.

Unusual Cost Fee: NBS reserves the right to impose extra fees for applicants requiring especially long or complex evaluations, or for applicants desiring faster service than the normal evaluation schedule allows. Extra fees will be discussed with the applicant before they are imposed.

Example Calculation: Assume that a processor requests initial accreditation for one dosimeter model in each of Categories I through VIII. Assume also that the assessment includes 3 remote locations.

One-time LAP Enrollment Fee	$600
Administrative Fee	600
Assessment Fee:	
3 day assessment of main location	1,400
assessment of 3 remote locations	1,200
Proficiency Testing Fee	725
	725
	725
	725
	725
	900
	900
	900
	6,325
Total accreditation fee first time (for two year accreditation period)	10,325
Total biennial renewal fee	9,725

[FR Doc. 83-19841 Filed 7-27-83; 8:45 am]

BILLING CODE 3510-13-M

National Voluntary Laboratory Accreditation Program; Formal Establishment of Personnel Dosimetry Laboratory Accreditation Program

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice of formal establishment of a program for accrediting processors of personnel radiation dosimeters.

SUMMARY: Under the National Voluntary Laboratory Accreditation Program (NVLAP), the National Bureau of Standards (NBS) announces the formal establishment of a laboratory accredition program (LAP) for processors of personnel dosimeters that measure ionizing radiation received occupationally by workers (the "Dosimetry LAP"). A separate notice in this issue of the **Federal Register** specifies the fees for the Dosimetry LAP. Processors which are interested in becoming accredited under this LAP may request an application package by contacting the Manager, Laboratory Accredition, National Bureau of Standards.

DATES: Each processor that submits a completed application by December 1, 1983, will be included among the initial group of processors to be evaluated for accreditation. Applications received after this date will be included in subsequent groups as they can be scheduled.

FOR FURTHER INFORMATION CONTACT: John W. Locke, Manager, Laboratory Accreditation, National Bureau of Standard, TECH B141, Washington, DC 20234; (301) 921-3431.

SUPPLEMENTARY INFORMATION:

Background

This announcement is issued in accordance with section 7b.8 of the NVLAP Procedures (15 CFR 7b.8). Establishment of the Dosimetry LAP for processors of personnel dosimeters that measure ionizing rediation received occupationally by workers follows the formal request of the Nuclear Regulatory Commission (NRC) as set out in its letter to NBS of December 23, 1980. The NRC request that the LAP be based upon American National Standard N13.11, "Criteria for Testing Personnel Dosimetry Performance." (ANSI N13.11). The purpose of the LAP is to periodically evaluate the performance of each dosimetry processor in order to improve the accuracy of reported dose measurements.

As previously announced in the **Federal Register** (47 FR 6914, dated February 17, 1982), an informal public workshop was held at NBS on April 12-13, 1982, to provide interested parties an opportunity to participate in the development of technical requirements for this LAP. A copy of the record of that workshop is available for inspection and copying in the Central Reference and Records Inspection Facility, Room 6622, Main Commerce Building, 14th Street between E Street and Constitution Avenue, NW, Washingron, D.C. 20230.

The scope, definition, and process of accreditation, including on-site assessment and proficiency testing, are described below.

Dated: July 18, 1983.

John W. Lyons,

Acting Director, National Bureau of Standards.

Scope of Accreditation

Accreditation is available to any organization which processes personnel radiation dosimeters (processor) which are used to monitor personal exposure to ionizing radiation covered by categories specified in American National Standard N13.11 "Criteria for Testing Personnel Dosimetry Performance", (ANSI N13.11). A processor may be accredited to process specific models or types of dosimeters in any of one or more radiation categories listed below:

I. Accidents, Low energy photons
II. Accidents, High energy photons
III. Protection, Low energy photons
IV. Protection, High energy photons
V. Protection, Beta particles
VI. Protection, Photon mixtures (any combination of categories III & IV)
VII. Protection, Mixtures photons and beta particles (any combination of categories IV & V)
VIII. Protection, Mixtures fission neutrons and high energy photons.

Accreditation is limited to personnel dosimetry services for those dosimeter types/models which document whole body and skin dose. Accreditation is not applicable to the processing of extremity dosimeters or pocket ionization chambers. However nothing in this LAP is intended to preclude a processor from providing additional, non-accredited services or research related to improved

dosimetry such as personnel extremity or environmental or area monitoring.

To be granted accreditation, a processor must not only satisfy the NVLAP criteria but must also demonstrate satisfactory performance in processing each dosimeter model/type it intends to use in each radiation category for which accreditation is desired, according to ANSI N13.11. The specific model(s)/type(s) of dosimeters and radiation category(ies) for which a processor gains accreditation will be indicated in the accreditation documentation. Additional models/types of dosimeters may be added to any category after compliance is demonstrated for the additional dosimeter(s) in the category(ies) desired.

Processors may utilize processing techniques of their choice in making dose measurements. However, once accredited the processing technique(s) and dosimeters used in the normal conduct of work must be the same as the techniques and dosimeters used in demonstrating satisfactory performance with ANSI N13.11.

Definition of Accreditation

Accreditation is a recognition of a processor's competence. In the context of the Dosimetry LAP, this means that all of the necessary elements are present to conduct the processing functions for which accreditation is granted, in terms of staff, equipment, procedures, quality control and all items covered by the NVLAP criteria. Accreditation does not imply nor warrant that a processor's reported dose measurements are or always will be performed within the tolerance level specified in ANSI N13.11 that was demonstrated to gain accreditation. NBS does not monitor the daily operations of an accredited processor. NBS therefore is not responsible for either the quality of the work performed or the fees charged by the processor. Accreditation is not a guarantee of performance.

Accreditation Process

The accreditation process involves a series of activities starting with application by a processor, followed by an on-site visit, proficiency testing, evaluation and the accreditation decision. For the dosimetry LAP this process will average about 1 year from the time an application is submitted. Most of that time will be concerned with the proficiency testing, which will require 6 months per test sequence to complete.

Requesting An Application. Any dosimetry processor interested in becoming accredited under the Dosimetry LAP should contact the Manager, Laboratory Accreditation, National Bureau of Standards, TECH B141, Washington, D.C. 20234, (301) 9212-3431. No commitment by the processor will be inferred from a request for an application. The Manager, Laboratory Accreditation, will send an application package, but will take no further action unless and until a formal application for accreditation is completed and returned.

Application Package. The application package will include an application form with a test category selection list, a fee schedule, a proficiency test registration form, and a Dosimetry LAP Handbook which describes requirements for accreditation.

Fees. In a separate notice appearing in this issue of the **Federal Register**, NBS announces the fees for the Dosimetry LAP. The fees are composed of several parts which are associated with the accreditation process, all of which must be paid before accreditation is granted or renewed.

Enrollment. After submitting a completed application and payment of the required administrative and proficiency testing fee, the processor will be enrolled in the Dosimetry LAP, registered for proficiency testing, scheduled for an on-site visit and notified of any additional written information which must be supplied.

Basic Conditions for Accreditation. Under the NVLAP procedures, a processor who has enrolled agrees in writing to the following basic conditions:

(1) Be examined and audited initially and on a continuing basis;

(2) Pay the required accreditation fees and charges;

(3) Avoid reference by itself and forbid others utilizing its services from referencing its accredited status under NVLAP in consumer media and in product advertising or on product labels, containers, and packaging or the contents therein, or in any other way which might convey the concept of product certification by the National Bureau of Standards or the Department of Commerce (Note: A NVLAP accredited processor may advertise its accredited status on its letterhead, brochures, and test reports as well as in trade publications.);

(4) Meet and maintain compliance with applicable general and specific criteria (15 CFR 7a.19-30) and with applicable requirements of the NVLAP Procedures (15 CFR Part 7b); and

(5) Participate in proficiency testing required for attaining or maintaining accreditation.

Criteria. The NVLAP general and specific criteria for evaluating processors, which are described in sections 7a.19-7a.30 of the NVLAP Procedures (15 CFR 7a.19-7a.30)*, address a processor's organizational structure, technical management, professional and ethical business practices, and system for assuring the quality of test results. The criteria also address aspects concerning the technical performance of processing dosimeters, including staff competence and training, facilities and equipment, test plans, calibration procedures, recordkeeping, data handling procedures, and quality control checks and audits.

*Note.—The NVLAP Criteria relate to evaluating "laboratories"; however, in the Dosimetry LAP the term "processor" is considered synonymous with "laboratory".

On-site Visits. On-site visits of a processor's facilities are conducted prior to initial accreditation and thereafter on a regularly scheduled basis prior to each renewal to assess compliance with the NVLAP criteria. The on-site assessor will conduct an exit interview with the management at the conclusion of an on-site visit to summarize the assessor's findings. Each processor will be notified whenever deficiencies are identified and will be given an opportunity to correct such deficiencies before formal accreditation recommendations are prepared or any action is commenced to revoke accreditation. The processor must permit the on-site assessor to review and examine any records or other documents required by the criteria. Also, if an appeal requesting a hearing under 5 U.S.C. 556 has been instituted under the NVLAP Procedures, the processor must permit NBS personnel to review and copy any records or other documents required by the criteria. Failure of the processor to cooperate with the on-site assessor may be grounds for the initiation of adverse accreditation action.

Monitoring Visits. In addition to regular on-site visits, monitoring visits of limited scope are used to assure that accredited processors continue to comply with the criteria. Processors will be selected for these monitoring visits either randomly or in response to problems perceived by the evaluation team. The processors may or not be contacted in advance of such monitoring visits.

Proficiency Testing. Proficiency testing is an integral part of the NVLAP accreditation process. Accordingly, in order to be eligible for accreditation under the Dosimetry LAP, each processor must demonstrate satisfactory performance with the standard ANSI

N13.11, "Criteria for Testing Personnel Dosimetry Performance" for each dosimeter model it intends to use, in each test category for which accreditation is desired. Proficiency must be demonstrated prior to initial accreditation and prior to renewal.

Proficiency testing will be administered by a proficiency testing laboratory (PTL) contracted by NBS. Materials will be sent to applicant processors with the accreditation application package to provide specific instructions on participation in the proficiency program. A summary of the operation of the program is as follows:

1. A processor must submit a total of 15 dosimeters of each model to be used in each category that accreditation is desired. The dosimeters must be submitted to the PTL in three separate groups of 5 each, one month apart. The first time a dosimeter model is submitted an additional 5 dosimeters (i.e. total of 10) will be required in the first group; one will be disassembled and photographed and 4 will be spares. All dosimeters will be returned when the test has been completed.

2. The PTL will irradiate the dosimeters with a known dose and return them to the processor in groups of 5 at one month intervals.

3. The processor must read each dosimeter and report a measured dose. Dosimeters irradiated in categories I, II, VIII, will be identified by category by the PTL; those irradiated in categories III, IV, V, VI and VII will not be identified, hence it will be the responsibility of the processor to provide category discrimination as well as report the measured dose for each dosimeter.

4. The processor must report the measured doses to the PTL.

5. The PTL will analyze the reported data and compare them with the known irradiation data to determine if the processor demonstrated satisfactory performance.

If a processor fails to demonstrate satisfactory performance in one or more categories during a test sequence, the processor must submit additional dosimeters for a retest sequence as follows:

Categories I, II, and VIII will require retest in the failed category(ies) only.

Categories III, IV, V, VI or VII: Failure in any one categroy will require retest in the failed category and two additional categories unknown to the processor. Failure in two or more categories will require retest in all 5 of these categories.

The PTL will offer an opportunity to participate in a test sequence at least once every three months. A processor has two years to demonstrate satisfactory performance. If satisfactory performance is not demonstrated within two years, reapplication will be necessary and an additional administrative fee will be required.

Evaluation and Recommendations. An evaluation team composed primarily of peers in the applicable processing areas will use the following information to evaluate each processor:

(1) Written information supplied by the processor;

(2) Result of proficiency testing; and

(3) Written reports of the assessor regarding on-site visits to the processing facility.

If additional deficiences are identified during the evaluation in addition to those identified during the on-site visit, the processor will be given written notification of those deficiencies and a reasonable period (ordinarily 30 days) in which to correct or resolve them. Upon completion of the review of the above information and any response to a notification of additional deficencies, the evaluation team will make an accreditation recommendation to the Manager, Laboratory Accreditation.

Accreditation Decision. Based on the recommendations of the evaluation team, a decision will be made whether to grant or deny initial accreditation for an applicant processor or renewal for a currently accredited processor. The processor will be notified by letter of the decision. If accreditation denial is proposed, the notification letter will state the reason.

Appeals. When denial of accreditation is proposed, a processor has thirty (30) days from the date of receipt of the notification to request a hearing. The notification will specify to whom a request for a hearing should be sent. If a hearing is not requested, the denial becomes final. If a hearing is requested, it will be held pursuant to 5 U.S.C. 556.

Accreditation Period. Processors are granted accreditation under the Dosimetry LAP for two years, with individual processor anniversary dates occurring on the first of January, April, July, or October. A processor will be assigned the anniversary date which next follows the date that the decision to grant accreditation is made.

Accreditation Renewal. Each accredited processor is sent a renewal application form before its current accreditation expires (anniversary date). If acted upon promptly by the processor, the lead time will be sufficient to complete the renewal evaluation before the current accreditation expires.

Termination. An accredited processor may voluntarily terminate its application at any time. Likewise, an applicant processor may voluntarily terminate its application at any time prior to the completion of action on the application. The matter of refunds in covered in section 7b.15 of the NVLAP Procedures (15 CFR 7b.15).

Revocation. If the Director of NBS or the Director's designee finds that an accredited processor has violated the terms of its accreditation, the Director or his designee may, after consultation with the processor, notify that processor that revocation of its accreditation is proposed. The processor will have thirty (30) days in which to appeal a proposed revocation by requesting a hearing. A proposed revocation will specify to whom a request for a hearing should be sent. If the hearing is not requested, the revocation becomes final. If a hearing is requested, it will be held pursuant to 5 U.S.C. 556.

Public Notification. Accreditation actions will be published in the **Federal Register** within thirty (30) days of such action and in NVLAP quarterly and annual reports.

Compliance with Existing Laws. NVLAP accreditation does not relieve a processor from the necessity of observing and complying with applicable Federal, State, and local statutes, ordinances, or regulations, including consumer protection and antitrust laws.

[FR Doc. 83-19840 Filed 7-27-83; 8:45 am]

BILLING CODE 3510-13-M

National Telecommunications and Information Administration

Performance Review Board; Eligible Individuals

Below is a listing of individuals who are eligible to serve on the Performance Review Board in accordance with the National Telecommunications and Information Administration Senior Executive Service (SES) Performance Appraisal System:

Leo Buss
Dennis R. Connors
Michael A. Driggs
Larry Eads
Dennis LeBlanc
Jack D. P. Lichtenstein
Richard Parlow
Charles M. Rush
Roger K. Salaman
Richard Shay
Susan G. Stuebing

William Utlaut

Edward A. McCaw,

Executive Secretary, National Telecommunications and Information Administration, Performance Appraisal System.

[FR Doc. 83-20490 Filed 7-27-83; 8:45 am]

BILLING CODE 3510-BS-M

Economic and Statistical Affairs Performance Review Board

Below is a listing of individuals who are eligible to serve on the Performance Review Board in accordance with the Economic and Statistical Affairs Senior Executive Service (SES) Performance Appraisal System:

Barbara Bailar
Kenneth M. Brown
Joseph F. Caponio
William A. Cox
Frank de Leeuw
Lucy A. Falcone
George Jaszi
C. L. Kincannon
Frederick T. Knickerbocker
Daniel B. Levine
Martin Marimont
Jerome Mark
Charles A. Waite
Katherine K. Wallman
Allan H. Young

Edward A. McCaw,

Executive Secretary, Economic and Statistical Affairs, Performance Appraisal System.

[FR Doc. 83-20491 Filed 7-27-83; 8:45 am]

BILLING CODE BS-3510-M

DEPARTMENT OF DEFENSE

Corps of Engineers; Department of the Army

Intent To Prepare a Draft Supplemental Revised Environmental Impact Statement for a Proposed Flood Control Project at Oakland, Pompton Lakes and Wayne

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft supplemental revised environmental impact statement.

SUMMARY: 1. *Description of Proposed Action*—The primary purpose of this project is to provide flood protection to the Borough of Oakland during periods of high water from the Ramapo river. Various structural and/or nonstructural measures are under consideration.

2. *Reasonable Alternatives* under consideration include: Channel and dam modifications, levees, non-structural methods such as flood proofing and raising of structures, and combinations of levees, dam and channel modifications and non-structural methods with dam and channel modifications, as well as; a "No-Action" alternative. Other plans considered, but found to be infeasible include upstream detention tunnels and permanent evacuation of the entire flood plain.

3. *Scoping Process.* a. *Public Involvement* has been continuous since the beginning of the detailed investigation of the potential project area. Public coordination activities in the project area include workshops on plan formulation, sub-basin coordination meetings, meetings with environmental representatives and meetings with Oakland, Pompton Lakes and Wayne town officials to discuss plan formulation. In addition, environmental interests were called by phone and invited to participate in the formulation of plans by alerting the study group to areas special environmental concern and giving guided tours of these areas. Local interests were interviewed for the cultural reconnaissance. Other public meetings and coordination are planned.

b. *Significant Issues Requiring In-depth Analysis*—Possible loss of: wetland areas; aquatic habitats within trout stocked waters; aesthetics; prehistoric sites (area has high potential for containing prehistoric sites); six historic sites (Pompton Iron Works—2 sites; and Wilkins Hair Brush Factory Complex—4 sites) potentially eligible for inclusion in the National Register of Historic Places, as well as, four sites needing additional investigation to determine possible eligibility.

c. *Assignments*—Cultural resources reconnaissance was conducted.

Impact assessment used U.S. Fish and Wildlife Service (USFWS) Planning Aid Reports.

d. *Environmental review and consultation*—USFWS reviewed plans, for which they submitted Planning Aid Reports. New Jersey Department of Environmental Protection's Division of Fish, Game and Shellfisheries conducted on aquatic survey and reviewed the plans in consultation with USFWS. Literature, herbaria and field searches were conducted for federal; rare, threatened and endangered plant and animal species under the auspices of the FWS.

The cultural reconnaissance was reviewed by the State Historic Preservation Officer and the State Archaeologist.

4. Scoping Meeting will be held: Date: Aug. 11, 1983. Time: 7:30. Location, Valley Middle School, 71 Oak St., Oakland, NJ.

5. Estimate date of statement availability: June 1984.

Address: US Army Engineer District, New York, 26 Federal Plaza, New York, NY 10278.

Project Manager: Attn: Peter Blum, Tel No. 212/264-3579.

EIS Coordinator: Attn: M. Lou Benard, Tel No. 212/264-3615.

US Army Engineer District, New York, 26 Federal Plaza, New York, N.Y. 10007.

Dated: July 18, 1983.

Samuel P. Tosi, P.E.,

Chief, Planning Division.

[FR Doc. 83-20448 Filed 7-27-83; 8:45 am]

BILLING CODE 3710-06-M

DEPARTMENT OF EDUCATION

National Advisory Council on Vocational Education; Public Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of public meeting of the Council.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Advisory Council on Vocational Education. It also describes the functions of the Council. Notice of this meeting is required under Section 10(a) (2) of the Federal Advisory Committee Act, and is intended to notify the general public of its opportunity to attend.

DATE: August 17, 18, 19, 1983 (1:00-5:00 P.M.; 1:30-5:00 P.M.; and 8:30-Noon respectively).

ADDRESS: The Hilton Inn South, 7801 East Orchard Road, Englewood, CO 80111 Loveland Room.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968, Pub. L. 90-576. The Council is established to:

(A) Advise the President, the Congress, and the Secretary of

Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

The meeting of the National Advisory Council on Vocational Education, as announced, is open to the public, and the proposed Agenda will include:

August 17:

1:00 P.M. Opening Session, Report of the Chairman, Report of the Executive Director.
Committee meetings: Legislative, Futures.
5:00 P.M. Recess.

August 18:

7:45 A.M. Tour Emily Griffith Opportunity School and Denver Institute of Technology.
1:30 P.M. Committee Reports, Council Functions and Staffing.
5:00 P.M. Recess.

August 19:

8:30 A.M. Planning for the 1984 Program of Work.
Noon Adjournment.

Records are kept of the Council's proceedings, and are available for public inspection at the office of the National Advisory Council on Vocational Education from 9:00 A.M. to 5:00 P.M., 425—13th Street NW, Suite 412, Washington, DC 20004.

For further information contact: Virginia Solt, NACVE Staff at above address. Telephone (202) 376-8873.

Signed at Washington, DC on July 22, 1983.

James W. Griffith,

Executive Director, National Advisory Council on Vocational Education.

[FR Doc. 83-20468 Filed 7-27-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 83-CERT-025, as Amended]

Natural Gas; Amended Certification To Displace Fuel Oil; Bethlehem Steel Corp.

On May 31, 1983, Bethlehem Steel Corp., Bethlehem, Pa., was granted a certificate of an eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 83-CERT-025). The certification was for the eligible use of 30,000 Mcf per day of natural gas purchased from Enhanced Recovery Equipment Company, Mewborne Oil Company, and Exxon U.S.A., for use by Bethlehem Steel Corp. at its Sparrows Point Plant in Sparrows Point, Md. The volume of natural gas was estimated to displace the use of approximately 206,760 gallons per day of No. 6 fuel oil (1.0 percent sulfur). The transporters and distributor were Columbia Gas Transmission Corp., Columbia Gulf Transmission Co., Panhandle Eastern Pipeline Co., and Baltimore Gas & Electric Co., respectively. That certificate will expire on May 30, 1984.

On May 19, 1983, Bethlehem Steel Corp. filed an application for amendment to the existing certification of an eligible use to add Caliche Pipeline Co., Tyler, Tex., as an eligible seller and on June 30, 1983, requested the addition of Michigan-Wisconsin Pipe Line Co., Detroit, Mich., as an interstate transporter for the above facility, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). All other aspects of the May 31, 1983, certification remain unchanged. Notice of that application for amendement was published in the **Federal Register** (48 FR 31284, July 7, 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 Bethlehem Steel Corp's application for amendment to its existing 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 Bethlehem Steel Corp.'s application for amendment to its existing certification satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the amendment to the existing certification to be effective upon issuance and to expire with the original certificate on May 30, 1984. An amended certification has been transmitted to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application for amendment, transmittal letter and actual amended certification, is available for public inspection at the Fuels Conversion Division Docket Room, Room GA-093, RG-42, 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., on July 20, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-20416 Filed 7-27-83; 8:45 am]

BILLING CODE 6450-01-M

[83-CERT-099]

Natural Gas; Certification To Displace Fuel Oil; The Brewer Co., Inc.

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received the following application 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). Notice of this application, along with pertinent information contained in the application, was published in the **Federal Register** and an opportunity for public comment was provided for a period of ten calendar days from the date of publication. No comments were received. More detailed information is contained in the 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.

Applicant and facility	Date filed	Docket No.	FEDERAL REGISTER notice of application
The Brewer Co., Inc.	May 13, 1983	83-CERT-099	48 FR 29574, June 27, 1983.

The ERA has carefully reviewed the above 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 the application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted the certification to the Federal Energy Regulatory Commission.

Issued in Washington, D.C., on July 20, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-20418 Filed 7-27-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-114, et al.]

Natural Gas; Certifications To Displace Fuel Oil; Yarnell Bros., Inc.

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) 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). Notice of these applications, along with pertinent information contained in the applications, was published in the **Federal Register** and an opportunity for public comment was provided for a period of ten calendar days from the date of publication. No comments were received. 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.

Applicant and facility	Date filed	Docket No.	FEDERAL REGISTER notice of application
Yarnell Bros., Inc., Deshler Facility, Deshler, Ohio	May 23, 1983	83-CERT-114	48 FR 31453, July 8, 1983.
Sohio Chemical Co., Covington Facility, Covington, Ky	June 1, 1983	83-CERT-153	48 FR 31453, July 8, 1983.
Sun Chemical Corp., 2 Cincinnati Facilities, Cincinnati, Ohio	June 2, 1983	83-CERT-159	48 FR 31453, July 8, 1983.
Shumaker Bros. Industries, Inc., 4 Indianapolis Facilities, Indianapolis, Ind.	June 14, 1983	83-CERT-192	48 FR 31453, July 8, 1983.
National By-Products, Inc., Indianapolis Facility, Indianapolis, Ind.	June 14, 1983	83-CERT-193	48 FR 31453, July 6, 1983.
The Stolle Corp., 2 Sidney Facilities, Sidney, Ohio	June 14, 1983	83-CERT-194	48 FR 31453, July 8, 1983.
St. Regis Corp., York Facility, York, Pa	June 3, 1983	83-CERT-207	48 FR 31453, July 8, 1983.

The ERA has carefully reviewed the above applications 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 the applications satisfy the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certifications and transmitted those certifications to the Federal Energy Regulatory Commission.

Issued in Washington, D.C., on July 19, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-20417 Filed 7-27-83; 8:45 am]

BILLING CODE 6450-01-M

Powerplant and Industrial Fuel Use; Exemption, Capitol Cogeneration Co., Ltd.

[Docket No. ERA-FC-83-011; OFP Case Nos. 61045-9229-20-24, 61045-9229-21-24 and 61045-9229-22-24]

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting to Capitol Cogeneration Company, Ltd., exemptions from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On March 9, 1983 Capitol Cogeneration Company, Ltd., hereinafter referred to as petitioner, filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for each of three proposed electric powerplants from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"). Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in any new electric powerplant, and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. The final rules containing the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA were published in the **Federal Register** at 46 FR 59872 (December 7, 1981) and 47 FR 29209 (July 6, 1982). Criteria governing the cogeneration exemption are contained in 10 CFR 503.37.

The petitioner requested permanent cogeneration exemptions for three 100 megawatt combustion turbine powerplants to produce electricity and process steam at its Bayport Project in Pasadena, Texas. Each powerplant will be fueled by natural gas, with No. 2 distillate oil as a backup fuel.

Pursuant to section 212(c) of the Act and 10 CFR § 503.37, ERA hereby grants a permanent cogeneration exemption for each of petitioner's afore-described powerplants. The basis for ERA's Order is provided in the SUPPLEMENTARY INFORMATION section, below.

DATES: In accordance with section 702(a) of FUA, this Order shall take effect on September 26, 1983.

The public file containing a copy of this Order as well as other documents and supporting materials on this proceeding are available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m. to 4:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-073, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-8162.

Allan Stein, Esq., Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Forrestal Building, Room 6B-222, Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: The powerplants for which the petition for exemptions have been filed will consist of three gas turbine generators and three waste heat recovery boiler steam generators. The gas turbines will be fueled by natural gas and No. 2 distillate will be used as a backup fuel. All of the net annual generation of electric power from each unit will be sold, making such untis electric powerplants under 10 CFR 500.2, and the waste heat boilers will be

capable of producing high pressure process steam that will be delivered to another company.

Pursuant to 10 CFR 503.37(a)(1), the petitioner certified that the natural gas or oil to be consumed by each cogeneration facility will be less than that which would otherwise be consumed in the absence of each such cogeneration facility, where the calculation of savings is in accordance with 10 CFR 503.37(b); and that the use of mixtures is not feasible, as required under 10 CFR 503.9.

Documentary evidence submitted by the petitioner in support of its petition under 10 CFR 503.37(a)(1) includes: (1) The duly executed certifications required under that subparagraph; (2) exhibits containing the basis for the certifications, including supporting factual and analytical materials; and (3) an environmental impact analysis, as required under 10 CFR 503.13(a).

After review of the petitioner's environmental impact analysis, additional requested environmental data and other relevant information, ERA has determined that the granting of the requested exemptions does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act.

In accordance with 10 CFR 501.3(b), ERA published its Notice of Acceptance of Petition for Exemption and Availability of Certification relating to the petitioner in the **Federal Register** on May 2, 1983 (48 FR 19772), commencing a 45-day public comment period pursuant to section 701(c) of FUA. As required by section 701(f) of the Act, ERA provided a copy of the petition to the Environmental Protection Agency for comments. During the 45-day public comment period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed on June 16, 1983. No comments were received and no hearing was requested.

Decision and Order: Based upon the entire record of this proceeding, ERA has determined that the petitioner has satisfied all of the eligibility requirements for the requested exemptions as set forth in 10 CFR 503.37(a)(1) and, pursuant to section 212(c) of FUA, ERA hereby grants the petitioner a permanent cogeneration exemption for each of the three proposed powerplants to be located at its Bayport Project in Pasadena, Texas.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this Order may petition for judicial review thereof at any time before the 60th day following the publication of this Order in the **Federal Register.**

Issued in Washington, D.C., on July 21, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-20415 Filed 7-27-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP82-119-003]

Algonquin Gas Transmission Co.; Amendment

July 22, 1983.

Take notice that on July 5, 1983, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP82-119-003 an amendment to its second amendment to its application filed in Docket No. CP82-119-002 pursuant to Section 7(c) of the Natural Gas Act so as to reflect a proposal (1) to provide a transportation service, (2) to prebuild a portion of the facilities proposed to be constructed in the second amendment which are required to render a firm transportation service of domestic gas supplies that would comprise the alternative to the "initial phase" of service proposed by Boundary Gas, Inc. (Boundary), and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), currently pending in Docket Nos. CP81-107, *et al.*, and (3) to charge for its proposed service the interim discounted intitial rate, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that Applicant would be able to use the proposed facilities primarily to render transportation service to the Connecticut Light and Power Company (CL&P) and Bay State Gas Company (Bay State) and further to render additional transportation service to transport Canadian gas at the conclusion of the initial phase of service to CL&P and Bay State.

Applicant states that if CL&P and Bay State elect to continue to receive the initial phase quantities for the full ten years, it would be ready, willing and able to render such service for that term.

Applicant further states that the construction of the proposed facilities would commence in the summer of 1984 and be completed on November 1, 1984.

Applicant states that it stands ready to transport 40,000 Mcf of gas per day by exchange with Tennessee at an existing interconnection proximate to CL&P and Bay State, or, alternatively, to effect direct delivery through existing delivery points to CL&P and Bay State. It is explained that in order to provide a complete basis for serious consideration of this proposal, Applicant, pursuant to the request of Consolidated Gas Supply Corporation (Consolidated) is filing for certificate authority to prebuild certain of the facilities proposed in its Second Amendment so that Applicant would be able to render transportation service to initial phase Boundary repurchasers and specifically for authority to transport alternative initial phase quantities of gas supplied by Consolidated to CL&P and Bay State.

Applicant stands ready, it is stated, to provide firm transportation service of 4,917 Mcf per day for CL&P and 9,814 Mcf per day for Bay State if such volumes, as supplied by a seller other then Consolidated, are tendered to Applicant through its existing receipt point at Lambertville, New Jersey. To accomplish the transportation of such quantities Applicant proposes to prebuild a portion of the facilities that would be required for transportation of the Canadian volumes that Applicant proposes to import. Of the 17.9 miles of 30 inch pipeline loop Applicant proposes to build between Bridgewater, New Jersey, and Hanover, New Jersey, 3.5 miles of that proposed loop beginning at Bridgewater would be necessary to provide the capacity to transport domestic initial phase gas for CL&P and Bay State. This loop facility, it is alleged, would be constructed at a cost of approximately $4,700,000. No new delivery points are proposed because Applicant has an existing point of interconnection with Tennessee at Mendon, Massachusetts; from that point Tennessee could deliver the gas, generally by backhaul, to the delivery points proposed in Tennessee's amended application in Docket No. CP81-296, *et al.*, it is stated. No new facilities, other than the prebuilt facilities identified above, would be required for Applicant to deliver the gas by exchange at Mendon, it is explained; and also, Applicant has several existing delivery points to CL&P and Bay State which could be utilized.

As with the full service proposal, Applicant states, it proposes to render the domestic initial phase transportation service at a rate based upon the costs incurred in rendering the service, *i.e.*, the cost of constructing additional facilities.

It is asserted that the proposed initial monthly demand handling charge of $13.88 would, on an interim basis, be discounted to a level of approximately $7.60. Such interim rate, it is stated, would assure that the benefits of a cost-based rate are enjoyed by the domestic initial phase repurchasers from the outset of service and would assure that such repurchasers and Applicant's Canadian gas sales and storage customers have a uniform cost-based rate once full-service facilities are in place.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before August 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20492 Filed 7-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL83-28-000]

Colockum Transmission Company, Inc.; Filing

July 22, 1983.

Take notice that on June 29, 1983, Colockum Transmission Company, Inc., submitted for filing a letter stating that it is not a "public utility" as defined in Section 201 of the Federal Power Act, and therefore has no obligation to file the exchange agreement between Colockum and Pacific Power & Light Company.

Colockum also tendered for filing the afore-mentioned exchange agreement if the Commission finds Colockum to be a public utility.

Colockum states that it is a wholly-owned subsidiary of the Aluminum Company of America ("Alcoa"), whose sole purpose is to acquire and transmit electric power and energy to Alcoa. In furtherance of this purpose, Colockum states that it entered into an Agreement with Pacific which provided for an exchange of part of its share of Rocky Reach capacity for firm energy.

Colockum further states that if the Commission should determine that it is a jurisdictional entity, Colockum requests that the Commission consider this filing to constitute an initial rate schedule under 18 CFR 35.12, and therefore requests waiver of the provisions of 18 CFR Part 35.

Any person desiring to be heard or to make any protest with reference to said filings should on or before August 5, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not service to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20493 Filed 7-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-339-000]

Grove Mill LTD Partnership; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

July 25, 1983.

On July 8, 1983, Grove Mill Ltd. Partnership of Rt. 1 Box 413, Afton, Virginia 22920, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying facility pursuant to § 292.207 of the Commission's regulations.

The hydroelectric facility will be located on the Middle River, between the villages of New Hope and Fort Defiance in Central Virginia. The electric power production capacity will be 80 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. 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. 83-20494 Filed 7-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-343-000]

M & M White; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

July 25, 1983.

On July 11, 1983 M & M White (White Hydropower Co.), of 1855 Glendale Road, Clinton, Iowa 52732, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations.

The hydroelectric facility will be located on the Rock River, Rock Island County, Illinois. The electric power production capacity will be 600 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. 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. 83-20495 Filed 7-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-392-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application

July 25, 1983.

Take notice that on June 29, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-392-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and related facilities in Refugio County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern proposes to construct and operate approximately 8.5 miles of 24-inch pipeline with associated metering and appurtenances extending from the onshore terminus of the Matagorda Offshore Pipeline System (MOPS) near Tivoli, Refugio County, Texas, to an interconnection with United Gas Pipe Line Company's (United) 30-inch pipeline also located in Refugio County, Texas. Presently, the natural gas produced in the Matagorda Island Area and Mustang Island Area that is transported through MOPS must be delivered to either Florida Gas Transmission Company (FGT) or Houston Pipe Line Company (HPL) for further transportation, it is asserted. Northern states that the proposed pipeline would serve to offer the purchasers of Matagorda Island Area and Mustang Island Area reserves an alternative to moving gas downstream of MOPS in addition to reducing third party transportation services currently rendered by HPL and FGT.

Northern estimates the cost of the facilities to be $5,619,000 which would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in acordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northern to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20496 Filed 7-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-320-000]

Rumford Falls Power Company—Lower Station; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

July 25, 1983.

On June 17, 1983, Rumford Falls Power Company (Applicant), 49 Congress Street, Rumford, Maine 04276, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility for which certification is sought is a licensed run-of-river hydroelectric generating facility known as the "Rumford Falls Lower Station," located on the Androscoggin River in the Town of Rumford, Maine. The facility includes two generating units with a combined electrical generating capacity of 12,800 kilowatts. The facility is located within one mile downstream of the Rumford Falls Upper Station hydroelectric generating facility ("Upper Station"). The Upper Station is also owned by the Rumford Falls Power Company, but does not use water from the same impoundment for power generation. Applicant is engaged in the generation and sale of power solely from small power production facilities.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. 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. 83-20497 Filed 7-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-321-000]

Rumford Falls Power Company—Upper Station; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

July 25, 1983.

On June 17, 1983, Rumford Falls Power Company (Applicant), 49 Congress Street, Rumford, Maine 04276, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility for which certification is sought is a licensed run-of-river hydroelectric generating facility known as the "Rumford Falls Upper Station," located on the Androscoggin River in the Town of Rumford, Maine. The facility includes four generating units with a combined electrical generating capacity of 21,970 kilowatts. The facility is located within one mile upstream of the Rumford Falls Lower Station hydroelectric generating facility ("Lower Station"). The Lower Station is also owned by the Rumford Falls Power Company but does not use water from the same impoundment for power generation. Applicant is engaged in the generation and sale of power solely from small power production facilities.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. 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. 83-20498 Filed 7-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-395-000]

Southern Natural Gas Co.; Application

July 25, 1983.

Take notice that on June 30, 1983, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP83-395-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a receiving station, 423 feet of 4½-inch pipeline and appurtenant facilities in Plaquemines Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Southern's Lake Campo-Pengo Receiving Station, the 4½-inch pipeline and apurtenant facilities were located on and adjacent to Dow Chemical Company's (Dow) production platform. It is asserted that Dow ceased production in 1981 and removed its platform in 1982 after advising Southern to remove its receiving station, which Southern asserts that it did on July 12, 1982. Southern further asserts that the pipeline proposed for abandonment was filled with water and left in place. It is stated that no service would be terminated as a result of this abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20499 Filed 7-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-513-003]

Texas Gas Transmission Corp.; Petition To Amend

July 25, 1983.

Take notice that on July 6, 1983, Texas Gas Transmission Corporation (Petitioner), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP80-513-003 a petition to amend the order issued March 25, 1981, in Docket No. CP80-513, as amended, pursuant to Section 7(c) of the Natural Gas Act so as to authorize Petitioner to extend the transportation service for Owens-Corning Fiberglas Corporation (Owens-Corning) for an additional two-year period ending August 28, 1985, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that the order issued March 25, 1981, as amended, authorized Petitioner to transport and simultaneously redeliver, on an interruptible basis, for Owens-Corning's account, up to 1,000 Mcf of natural gas per day to its existing point or points of delivery with Jackson Utility Division (Jackson) or to divert all or a portion of the gas up to 1,000 Mcf per day to Transcontinental Gas Pipe Line Corporation (Transco) for ultimate delivery to Owens-Corning's Anderson, South Carolina, plant for a period ending August 28, 1983.

It is asserted that in no event would Petitioner be obligated to deliver on any day an aggregate volume of more than 34,370 Mcf of natural gas at 14.73 psia through all points of delivery of Petitioner to Jackson. Jackson has agreed to accept volumes of natural gas and transport such volumes on an interruptible basis up to 1,000 Mcf per day for the account of Owens-Corning, it is stated.

Petitioner states that it would not retain any volumes of natural gas hereunder for its own system supply but would retain as makeup for compressor fuel and line loss 1.71 percent of the gas delivered to Jackson and 0.32 percent of the gas delivered to Transco. Such percentages are calculated on an incremental basis for pipeline throughput to and within the rate zone in which delivery by Petitioner would be made, it is asserted.

Petitioner would collect a rate of 24.85 cents per Mcf for gas delivered to Jackson and 7.89 cents per Mcf for those gas delivered to Transco. Such interruptible zone transportation rates are set forth at Sheet No. 7A of Petitioner's FERC Gas Tariff, Third Revised Volume No. 1, it is asserted.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 15, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20500 Filed 7-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-348-000]

Wheelabrator-Frye Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

July 25, 1983.

On July 13, 1983, Wheelabrator-Frye Inc., of Liberty Lane, Hampton, New Hampshire 03842, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations.

The facility will be located in the Town of Saugus, Massachusetts. The primary energy source of the facility will be biomass in the form of municipal solid waste. The electric power production capacity will be 52 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. 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. 83-20501 Filed 7-27-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-96-000]

Inquiry Into Purchasing Practices of Interstate Pipelines; Extension of Time

July 19, 1983.

By notice issued June 2, 1983 (48 FR 25264; June 6, 1983), the Commission requested that written statements in this proceeding be submitted on or before July 1, 1983. At the informal public conference held on July 11 and 12, 1983, Commissioner Richard extended the time for filing additional comments to and including August 12, 1983. Several motions are pending before the Commission requesting additional time. These motions are hereby granted. Any comments received on or before August 12, 1983, will be considered timely-filed.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20279 Filed 7-27-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed; Week of July 1 Through July 8, 1983

During the week of July 1 through July 8, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

July 21, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of July 1 through July 8, 1983]

Date	Name and location of applicant	Case No.	Type of submission
June 30, 1983	Exxon Oil Company, U.S.A., Washington, D.C.	HRZ-0156	Interlocutory Order. If granted: The Economic Regulatory Administration's privilege claims for a number of documents identified pursuant to our December 8, 1982 Decision and Order (Case No. HRD-0007) would be rejected and Exxon Oil Company, U.S.A. would receive access to those documents.
July 1, 1983	Atlantic Richfield Company, Washington, D.C.	HRD-0144	Motion for Discovery. If granted: Discovery would be granted to Atlantic Richfield Company in connection with the Statement of Objections submitted in response to the Proposed Remedial Order issued to it (Case No. BRO-1452).
July 1, 1983	Atlantic Richfield Company, Washington, D.C.	HRZ-0155	Interlocutory Order. If granted: The Office of Hearings and Appeals would grant Atlantic Richfield Company leave to file additional evidence in support of the firm's Statement of Objections to a Proposed Remedial Order issued to it (Case No. DRO-0193).
July 1, 1983	Economic Regulatory Administration/Norco Oil Company, Washington, D.C.	HRR-0064	Request for Modification/Rescission. If granted: The October 19, 1978 Decision and Order (case No. DRO-0064) issued to Norco Oil Company by the Office of Hearings and Appeals would be modified regarding the substitution of an appropriate remedy for the proper disposition of the refund amounts.
July 5, 1983	Economic Regulatory Administration/Fuel Oil Supply & Terminaling, Inc., Washington, D.C.	HRJ-0040	Motion for Protective Order. If granted: The Economic Regulatory Administration and Fuel Oil Supply and Terminaling, Inc. would enter into a Protective Order regarding the release of ERA workpapers relating to a Proposed Remedial Order issued on March 17, 1982 to Fuel Oil Supply and Terminaling, Inc. (Case No. HRO-0044).
July 6, 1983	Doram Energy, Inc., *et al.*, Houston, Tex	HRD-0145, HRH-0145	Motion for Discovery and Request for Evidentiary Hearing. If granted: Discovery would be granted and evidentiary hearing would be convened in connection with the Statement of Objection submitted by Doram Energy, Inc. in response to the March 9, 1983 Proposed Remedial Order issued to Doram Energy, Inc. and Damson Oil Corporation (Case No. HRO-0149).
July 7, 1983	Economic Regulatory Administration/Atlantic Richfield Company, San Francisco, Calif.	HRR-0065	Request for Modification/Rescission. If granted: The May 17, 1983 Decision and Order (Case No. BRO-1247) issued to Atlantic Richfield Company would be modified.
July 7, 1983	Strasburger Enterprises, Inc., Washington, D.C.	HRD-0146	Motion for Discovery. If granted: Discovery would be granted to Strasburger Enterprises, Inc. in connection with the Statement of Objections submitted in response to the March 4, 1983 Proposed Remedial Order issued to it (Case No. HRO-0139).

REFUND APPLICATIONS RECEIVED

[Week of July 1 to July 8, 1983]

Date	Name of refund proceeding/name of refund applicant	Case No.
July 5, 1983 to July 8, 1983	Amoco Refund Applications	RF 21-11845 through RF 21-11896.

[FR Doc. 83-20419 Filed 7-27-83; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Week of July 4 Through July 8, 1983

During the week of July 4 through July 8, 1983, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection with the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact of law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

July 22, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Department of Interior, Washington, D.C., HEE-0051; Crude Oil

The Department of the Interior (DOI) filed an Application for Exception from the provisions of 10 CFR 212.72 and 212.131. The exception request, if granted, would retroactively relieve the DOI of certain certification requirements, i.e., the requirements that (i) crude oil certifications be provided to the first purchaser within 2 months of the month in which crude oil is produced and sold, (ii) certain one-time certifications be provided to the first purchaser, (iii) certifications specify certain categories of uncontrolled crude oil, and (iv) certifications contain the word "certify," assuming arguendo that such a requirement exists. On July 5, 1983, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Whitaker Oil Company, Atlanta, Georgia, HEE-0029, Motor Gasoline

Whitaker Oil Company filed an Application for Exception from the provisions of 10 CFR 212.93. The exception request, if granted, would permit the firm to increase retroactively its maximum lawful selling prices of petroleum products and would relieve the firm of the potential obligation of refunding overcharges alleged in a Proposed Remedial Order. (Case No. HRO-0035). On July 8, 1983, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted with respect to the overcharges alleged for the firm's motor gasoline sales and denied with respect to alleged overcharges resulting from its sales of other products.

[FR Doc. 83-20420 Filed 7-27-83; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Week of July 4 Through July 8, 1983

During the week of July 4 through July 8, 1983, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearing and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

July 21, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Gulf Oil Corporation Houston, Texas HRO-0168 Refined Products

On July 5, 1983, Gulf Oil Corporation, P.O. Box 3725, Houston, Texas 77253 filed a Notice of Objection to a Proposed Remedial Order which the DOE Office of Special Counsel issued to the firm on June 10, 1983.

In the PRO the OSC found that during the period January 1, 1976 to November 1, 1976 Gulf improperly increased its stated purchase product costs by $11,886,000 through incorrect application of the amended "B" factor formula.

According to the PRO Gulf is directed to reduce its banks of unrecovered increased costs by the amount claimed in violation of the regulations and recompute the amount of increased costs reported as being available for recovery in each month of measurement.

Gulf Oil Corporation, Houston, Texas, HRO-0169, Refined Products

On July 5, 1983, Gulf Oil Corporation, P.O. Box 3725, Houston, Texas 77253 filed a Notice of Objection to a Proposed Remedial Order which the DOE Office of Special Counsel issued to the firm on June 10, 1983.

In the PRO the OSC found that during the period January 1, 1976 through January 28, 1981, Gulf improperly allocated increased costs among covered and exempt products.

As a remedy for this alleged violation the PRO directs Gulf to adjust its costs allocable to general refinery products and reallocable to gasoline, adjust its recoveries and adjust its bank of unrecovered costs for each month of the audit period.

Gulf Oil Corporation, Houston, Texas, HRO-0170, Refined Products

On July 5, 1983, Gulf Oil Corporation, P.O. Box 3725, Houston, Texas 77253 filed a Notice of Objection to a Proposed Remedial Order which the DOE Office of Special Counsel issued to the firm on June 10, 1983.

In the PRO the OSC found that Gulf improperly retroactively reallocated certain increased costs.

According to the PRO Gulf is directed to refile its reports and recompute the available increased costs, recoveries and banks for each of the product categories affected by the PRO.

Gulf Oil Corporation, Houston, Texas, HRO-0171, Refined Products

On July 5, 1983, Gulf Oil Corporation, P.O. Box 3725, Houston, Texas 77253 filed a Notice of Objection to a Proposed Remedial Order which the DOE Office of Special Counsel issued to the firm on June 10, 1983.

In the PRO the OSC found that during the period 1978 through 1980, Gulf improperly passed through or banked increased marketing costs in excess of the applicable cents per gallon limitations. According to the PRO this resulted in Gulf's improperly increasing its non-product costs by $77,661,000.

Gulf is directed to reduce its reported marketing cost increases by the amount of its overrecovery and overstatement of these costs.

Gulf Oil Corporation, Houston, Texas, HRO-0172, Refined Products

On July 5, 1983, Gulf Oil Corporation, P.O. Box 3725, Houston, Texas 77253 filed a Notice of Objection to a Proposed Remedial Order which the DOE Office of Special Counsel issued to the firm on June 10, 1983.

In the PRO the OSC found that during the period July 1975 through December 1976, Gulf erroneously computed its gas plant modernization and expansion price increments for natural gas liquids and natural gas liquid products. According to the PRO Gulf improperly increased costs available for recovery by $1,356,874.

Gulf is therefore directed to reduce on a monthly basis the improperly computed increased non-product costs, recompute these costs pursuant to the relevant DOE regulations and refile its reports accordingly.

Gulf Oil Corporation, Houston, Texas, HRO-0173, Refined Products

On July 5, 1983, Gulf Oil Corporation, P.O. Box 3725, Houston, Texas 77253 filed a Notice of Objection to a Proposed Order of Disallowance which the DOE Office of Special Counsel issued to the firm on June 10, 1983.

In the POD the OSC found that during 1979, certain of Gulf's reported costs claimed in transactions between affiliated entities (i.e., where it (i) imported crude oil originating from countries where it lifted equity crude oil, (ii) received crude oil on a preferential basis or (iii) imported crude oil received in exchange for such crude oil) are subject to disallowance when Gulf's weighted average (by volume) costs of all crude oil of the same type exceeds DOE's maximum price for the crude oil type in that month. The OSC determined that Gulf overstated its costs by $6,369,517.19 and stated that Gulf's costs should be disallowed by the amounts which exceed DOE's representative prices in the months in which the costs were incurred.

[FR Doc. 83-20422 Filed 7-27-83; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Order; Week of July 11 Through July 15, 1983

During the week of July 11 through July 15, 1983, the notice of objection to proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

July 22, 1983.

George E. Breznay,

Director, Office of Hearings and Appeals.

Merit Petroleum, Inc., Houston, Texas, HRO-0174, Crude oil

On July 12, 1983, Merit Petroleum, Inc. (Merit), 450 N. Belt, Suite 107, Houston, Texas 77060, filed a Notice of Objection to a Proposed Remedial Order (PRO) which the Houston Office of the Economic Regulatory Administration (ERA) of the DOE issued to the firm on June 7, 1983. In the PRO the ERA alleges that during the period April through October 1978, the firm resold crude oil at prices in excess of its actual purchase prices in violaton of §§ 212.186, 210.62(c), and 205.202 in the amount of $2,322,436.12. The PRO also alleges violations of § 212.183 in the pricing of crude oil during parts of 1978, 1979, and 1980 in the amount of $26,090,326.20.

[FR Doc. 83-20421 Filed 7-27-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53051 TSH-FRL 2405-2]

Premanufacture Notices; Monthly Status Report for June 1983

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for June 1983.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E-106 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments are to be identified with the document control number "[OPTS-53051]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Management Support Division, Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW., Washington, DC 20460 (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M Street, SW., Washington, DC 20460 (202-382-3746).

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during June; (b) PMNs received previously and still under review at the end of June; (c) PMNs for which the notice preview period has ended during June; (d) chemical substances for which EPA has received a notice of commencement to manufacture during June; and (e) PMNs for which the review period has been suspended. Therefore, the June 1983 PMN Status Report is being published.

Dated: July 21, 1983.

Ronald A. Stanley,

Acting Director, Management Support Division.

Premanufacture Notices Monthly Status Report, June 1983

I. 86 Premanufacture Notices Received During the Month

PMN No.	Identity and generic name	FR citation	Expiration date
83-796	Generic name: Aminomethylphosphonic acid	48 FR 26885 (6/10/83)	Aug. 29, 1983.
83-797	Generic name: Aminomethylene phosphonic acid	48 FR 26885 (6/10/83)	Do.
83-798	Generic name: Blocked polyurethane prepolymer	48 FR 26885 (6/10/83)	Do.
83-799	N, N,-dimethyl-S-benzyldithiocarbamate	48 FR 26885 (6/10/83)	Do.
83-800	Polymer of: coconut oil, coconut fatty acid, glycerin, phthalic anhidride, and maleic anhydride	48 FR 26885 (6/10/83)	Do.
83-801	Polymer of: tall oil fatty acids, isophthalic acid, phthalic anhydride, pentaerythritol, dipentaerythritol, trimethylpentane diol, trimellitic anhydride.	48 FR 26885 (6/10/83)	Do.
83-802	Generic name: Polymer of mixed fatty acids, unsubstituted aromatic and aliphatic dicarboxylic acids, an alky-substituted triol, and substituted alkyl diols.	48 FR 26885 (6/10/83)	Do.
83-803	Generic name: Prepolymerized halogenated silicon magnesium aluminum oxotitanate	48 FR 26885 (6/10/83)	Do.
83-804	3'-(p-(dimethylamino)phenyl)Spiro-(fluorene-9,4'-oxazolidine)-2', 5' dione	48 FR 26885 (6/10/83)	Do.
83-805	Generic name: Saturated polyester resin	48 FR 26885 (6/10/83)	Do.
83-806	Generic name: Metal oxide	48 FR 26885 (6/10/83)	Do.
83-807	Generic name: Substituted azo substituted benezenesulfonic acid	48 FR 26886 (6/10/83)	Aug. 30, 1983.
83-808	2-, 3-, and 4-pinanol mixture	48 FR 26885 (6/10/83)	Do.
83-809	Generic name: Saturated polyester	48 FR 26886 (6/10/83)	Do.
83-810	Generic name: Cyclo alkyl acrylate	48 FR 26886 (6/10/83)	Do.
83-811	Generic name: Aliphatic alkyl acrylate	48 FR 26886 (6/10/83)	Do.
83-812	Generic name: Blocked polyureithane prepolymer	48 FR 26886 (6/10/83)	Do.
83-813	Generic name: Cationic polymer	48 FR 29048 (6/24/83)	Sept. 3, 1983.
83-814	Generic name: Styrene, mixed acrylate copolymer	48 FR 29048 (6/24/83)	Do.
83-815	Generic name: Modified polyacrylate	48 FR 29048 (6/24/83)	Do.
83-816	Generic name: Alkenyl mercapto thiadiazole	48 FR 29049 (6/24/83)	Do.
83-817	Generic name: Disperse blue azo dye	48 FR 29049 (6/24/83)	Sept. 5, 1983.
83-818	Generic name: Disperse blue azo dye	48 FR 29049 (6/24/83)	Do.
83-819	Generic name: Polymer of a long chain fatty acid, hydroxy functional alkane, phthalic acid, substituted and unsubstituted anhydrides and a hydroxy functional resin.	48 FR 29049 (6/24/83)	Sept. 6, 1983.
83-820	Generic name: Disubstituted heterocyclic azo disubstituted benzene	48 FR 29049 (6/24/83)	Do.
83-821	Generic name: Trisubstituted phenyl azo disubstituted heterocycle	48 FR 29049 (6/24/83)	Do.
83-822	Generic name: Trisubstituted aniline	48 FR 29049 (6/24/83)	Do.
83-823	Generic name: Organofunctional polydimethyl-siloxane	48 FR 29049 (6/24/83)	Do.
83-824	Generic name: Organofunctional polydimethyl-siloxane	48 FR 29049 (6/24/83)	Do.
83-825	Generic name: Disubstituted pyridinium bromide	48 FR 29054 (6/24/83)	Sept. 7, 1983.
83-826	Generic name: Disubstituted pyridinium bromide	48 FR 29055 (6/24/83)	Do.
83-827	Generic name: Disubstituted pyridinium bromide	48 FR 29055 (6/24/83)	Do.
83-828	Generic name: Aliphatic sulfonate salt	48 FR 29055 (6/24/83)	Sept. 11, 1983.
83-829	Generic name: Bis(azo) substituted naphthalene-disulfonic acid, alkali metal salt	48 FR 29055 (6/24/83)	Do.
83-830	Generic name: Arylazo disubstituted naphthalene-disulfonic acid, alkali metal salt	48 FR 29055 (6/24/83)	Do.
83-831	Generic name: Disazo solvent red dye	48 FR 29055 (6/24/83)	Do.
83-832	Generic name: Prepolymerized halogenated magnesium, zirconium, aluminum oxo-titanate	48 FR 29055 (6/24/83)	Do.
83-833	Generic name: Coconut oil epoxy polymer	48 FR 29055 (6/24/83)	Do.
83-834	Generic name: Coconut oil alkyd	48 FR 29055 (6/24/83)	Do.
83-835	Generic name: Substituted benzoate salt	48 FR 29055 (6/24/83)	Do.
83-836	Generic name: Aliphatic esters	48 FR 29055 (6/24/83)	Sept. 12, 1983.
83-837	Generic name: Barium salts of aliphatic esters	48 FR 29055 (6/24/83)	Do.
83-838	Generic name: Calcium salts of aliphatic esters	48 FR 29055 (6/24/83)	Do.
83-839	4-Nitrophenol-2-sulfonic acid, disodium salt	48 FR 29055 (6/24/83)	Sept. 13, 1983.
83-840	Polymer of: methyl glucoside, propylene oxide, ethylene oxide, diethylene glycol, polyethylene terephthalate.	48 FR 30434 (7/1/83)	Sept. 14, 1983.
83-841	2,2-dimethyl-1,3-propanediol polymer with 1,4-cyclohexane-dimethanol, 1,6-hexandioic acid, 1,3-benzenedicarboxylic acid and 1,4-benzenedicarboxylic acid.	48 FR 30434 (7/1/83)	Do.
83-842	2,2-dimethyl-1,3 propanediol, polymer with 1,6-hexanediol 1,6-hexanedioic acid, 1,3-benzenedicarboxylic acid and 1,4-benzenedicarboxylic acid.	48 FR 30434 (7/1/83)	Do.
83-843	2,2'-(ethylenedioxy-bis-(2-phenylazo))-bis-(N-2,3-dihydro-2--oxo-1H-benzimidazol-5-yl)3-oxo-butanamide.	48 FR 30434 (7/1/83)	Do.
83-844	Generic name: Disubstituted heteropolycyclic dye	48 FR 30434 (7/1/83)	Do.
83-845	Generic name: Tetrasodium salt of μ-(2-(2-hydroxy-3-nitro-5-sulfo-phenylazo)-2'-(2-hydroxy-5-substituted-3-sulfphenylazo)-3,3'-disulfo-6,6'-iminodi-1-naphthoiate-(0,0',0',0'')(6'')dicopper(II)acid.	48 FR 30434 (7/1/83)	Sept. 17, 1983
83-846	Generic name: C.I. basic blue 54	48 FR 30434 (7/1/83)	Do.
83-847	Generic name: Spiro xanthene	48 FR 30434 (7/1/83)	Do.
83-848	Generic name: Modified polyester polyurethane containing substituted alkanediol and diphenylmethane disocyanate.	48 FR 30434 (7/1/83)	Do.
83-849	Generic name: Metal complex with substituted 4-phenylazo pyrazol-3-one and substituted benzenesulfonic acid.	48 FR 30435 (7/1/83)	Sept. 18, 1983
83-850	Generic name: Substituted phenylazo naphthalene-sotfonic acid	48 FR 30435 (7/1/83)	Do.
83-851	Generic name: Substituted phosphonium borate	48 FR 30435 (7/1/83)	Do.
83-852	Generic name: Addition polymerization product of: isoborynl methacrylate; isobutyl methacrylate and isocyanatoethylmethacrylate.	48 FR 30435 (7/1/83)	Do.
83-853	Generic name: Polymer of aliphatic diol, hydroxy functional resin, aromatic diacid, aliphatic diacid, and aromatic polyacid.	48 FR 30435 (7/1/83)	Do.
83-854	Generic name: Salt of aminomethyl phosphonic acid	48 FR 30435 (7/1/83)	Do.
83-855	Generic name: Salt of aminomethyl phosphohic acid	48 FR 30435 (7/1/83)	Do.
83-856	Generic name: Salt of aminomethyl phosphonic acid	48 FR 30435 (7/1/83)	Do.
83-857	Generic name: Salt of aminomethylene phosphonic acid	48 FR 30435 (7/1/83)	Do.
83-858	Generic name: Salt of aminomethylene phosphonic acid	48 FR 30435 (7/1/83)	Do.
83-859	Generic name: Salt of aminomethylene phosphonic acid	48 FR 30435 (7/1/83)	Do.
83-860	Generic name: Metal Complexed substituted aromatic azo compound	48 FR 30435 (7/1/83)	Sept. 19, 1983.
83-861	Generic name: Substituted vinyl polymer	48 FR 30435 (7/1/83)	Do.
83-862	Generic name: Anhydro polyol monoalkanoate	48 FR 30435 (7/1/83)	Do.
83-863	Generic name: Thiazolium salt, N-substituted, 3-substituted	48 FR 30435 (7/1/83)	Sept. 20, 1983.
83-864	Generic name: Disazo pigment of a substituted benzidine ans acetoacetanilide derivative	48 FR 30436 (7/1/83)	Do.
83-865	Generic name: Disazo pigment of a substituted benzidine and p-aminoacetoacetanilide derivative	48 FR 30436 (7/1/83)	Do.
83-866	Generic name: Modified rosin zinc salt	48 FR 31461 (7/8/83)	Sept. 21, 1983.
83-867	Generic name: Alkyl ethoxylated, sulfated salt	48 FR 31461 (7/8/83)	Sept. 24, 1983.
83-868	Generic name: Tallow alkyl, substituted propylene diamine	48 FR 31461 (7/8/83)	Do.
83-869	Generic name: Reaction product of a diamine, cycloaliphatic diepoxide and a hydroxyl functional acid.	48 FR 31461 (7/8/83)	Do.

I. 86 Premanufacture Notices Received During the Month—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
83-870	Generic name: Modified polyurethane from aliphatic polyester alkanepolyols and aliphatic diisocyanate.	48 FR 31461 (7/8/83)	Do.
83-871	Generic name: [Alkoxyalkyloxadiazol-nitrophenazo]-[Bisalkylamino-methylpyridine nitril]	48 FR 31461 (7/8/83)	Do.
83-872	Generic name: Epoxy modified alkyl polysiloxane	48 FR 31461 (7/8/83)	Sept. 25, 1983.
83-873	Generic name: Substituted polyurethane	48 FR 31461 (7/8/83)	Do.
83-874	Generic name: Copolymer of alkyl and substituted alkyl methacrylates	48 FR 31461 (7/8/83)	Do.
83-875	4-(2-cyano-4-nitrophenylazo)-[N-(2-cyanoethyl)-N-(2-phenoxyethyl)amino]benzene	48 FR 31462 (7/8/83)	Sept. 26, 1983.
83-876	4-(2-cyano-4-nitrophenylazo)-[N,N-bis(2-propionyloxyethyl)amino]-3-chlorobenzene	48 FR 31462 (7/8/83)	Do.
83-877	Generic name: Polymer of aliphatic diamine and benzenedicarboxylic acid	48 FR 31462 (7/8/83)	Do.
83-878	2-Propanesulfenamide, N,N', N''-phosphinylidine-tris[N-phenyl]	48 FR 31462 (7/8/83)	Do.
83-879	Generic name: Epoxy modified acrylic copolymer	48 FR 31462 (7/8/83)	Sept. 27, 1983.
83-880	Generic name: Substituted-oxo-N-(substituted) butanamide, dichloride	48 FR 31462 (7/8/83)	Do.
83-881	Generic name: (Substituted)(substituted) anthraquinone	48 FR 31462 (7/8/83)	Do.

II. 115 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.	Identity and generic name	FR citation	Expiration date
83-673	Generic name: 1-((4-((substitutedphenyl)azo)-1-naphthalenyl) amino)-3-methoxy-2-propanol	48 FR 23903 (5/27/83)	July 25, 1983.
83-674	Generic name: 1-((4-((substitutedphenyl)azo)-1-naphthalenyl) amino)-3-butoxy-2-propanol	48 FR 23903 (5/27/83)	Do.
83-683	1-ethynyl-1-cyclopentanol	48 FR 21371 (5/12/83)	July 30, 1983.
83-684	1,4-bis(1-hydroxy cyclopentyl) butadiyne	48 FR 21371 (5/12/83)	Do.
83-685	Generic name: [(Substituted phenyl) hydrazono] substituted oxoheteromonocyle	48 FR 21371 (5/12/83)	Do.
83-686	Generic name: Modified ethylene-tetrafluoro-ethylene copolymer	48 FR 21371 (5/12/83)	Do.
83-687	Generic name: Carboxylated vinylic polymer	48 FR 21371 (5/12/83)	July 31, 1983.
83-688	Generic name: Substituted acrylamide copolymer	48 FR 21371 (5/12/83)	Do.
83-689	Generic name: Water reducible alkyd resin	48 FR 21371 (5/12/83)	Aug. 1, 1983.
83-690	Generic name: Quaternary salt of a polymer of methyl methacrylate, butyl acrylate, and substituted methacrylate.	48 FR 21371 (5/12/83)	Do.
83-691	Generic name: Trisubstituted benzothiazole salt	48 FR 21371 (5/12/83)	Do.
83-692	Generic name: Trisubstituted benzothiazole salt	48 FR 21371 (5/12/83)	Aug. 1, 1983.
83-693	N, N'-diaminopropyl ethyl piperazine	48 FR 21371 (5/12/83)	Do.
83-694	Generic name: Polyester of phthalic anhydrie and polyhydric saturated alcohols	48 FR 21372 (5/12/83)	Aug. 2, 1983.
83-695	Generic name: Copolymer of vinyl amides	48 FR 21372 (5/12/83)	Do.
83-696	Generic name: Dimer fatty acids, monocarboxylic acid, and polyamines polymer, modified with an acrylic acid copolymer.	48 FR 21372 (5/12/83)	Do.
83-697	Generic name: Fatty acid alkyd based poymer	48 FR 21372 (5/12/83)	Do.
83-698	Generic name: Copolymer of unsaturated organic compounds with polyols and isocyanates	48 FR 22793 (5/20/83)	(Aug. 3, 1983
83-699	Generic name: Copolymer of unsaturated organic compounds with polyols and isocyanates	48 FR 22793 (5/20/83)	Do.
83-700	Generic name: Copolymer of unsaturated organic compounds with polyols and isocyanates	48 FR 22793 (5/20/83)	Do.
83-701	3-[2-(2, 4-dinitrophenyl) ethenyl]-1H-indole	48 FR 22793 (5/20/83)	Do.
83-702	Generic name: Modified styrene-acrylic polymer	48 FR 22793 (5/20/83)	Aug. 6, 1983.
83-703	Generic name: Sodium alkyl allyl sulfosuccinate	48 FR 22793 (5/20/83)	Do.
83-704	Cyclohexanecarbonitrile, 1,1'-azobis	48 FR 22793 (5/20/83)	Aug. 7, 1983.
83-705	Cyclohexanecarbonitrile, 1-amino	48 FR 22793 (5/20/83)	Do.
83-706	Generic name: Resorcinol-fatty acid polymer	48 FR 22793 (5/20/83)	Do.
83-707	Generic name: Chromophore substituted poly (oxyalkylene)	48 FR 22793 (5/20/83)	Do.
83-708	Generic name: Chromophore substituted poly (oxylakylene)	48 FR 22793 (5/20/83)	Do.
83-709	Generic name: Acetamide, N-((4-methoxy-2-((5-nitro-2-thiazoleyl)azo-5-(Substituted) amino) phenyl)	48 FR 23903 (5/27/83)	Do.
83-710	Further clarification needed before a generic name can be established	48 FR 23903 (5/27/83)	Do.
83-711	Generic name: Metal oxide, reaction products with fatty alcohol and mineral acid	48 FR 22794 (5/20/83)	Do.
83-712	Generic name: Polyhydroxyaromatic amine sulfonate salt	48 FR 22794 (5/20/83)	Do.
83-713	Generic name: Aliphatic polyurethane resin based on adipic acid polyesters and dicyclohexyl methane diisocyanate.	48 FR 22794 (5/20/83)	Do.
83-714	Generic name: Polyester urethane resine based on ethylene glycol, 1,4-butanediol, adipic acid and MDI.	48 FR 22794 (5/20/83)	Do.
83-715	Generic name: Polyester urethane resin based on neopentyl glycol, 1,6-hexanediol, adipic acid, aliphatic isocyanates and aliphatic amines.	48 FR 22794 (5/20/83)	Do.
83-716	Generic name: Aliphatic polyurethane resin based on adipic acid polyesters and dicyclohexyl methane diisocyanate.	48 FR 22794 (5/20/83)	Do.
83-717	Generic name: Oxopentadecanolide	48 FR 22794 (5/20/83)	Do.
83-718	Generic name: Mixed phthalic acid-tall oil fatty acid alkyd resin	48 FR 22794 (5/20/83)	Do.
83-719	Generic name: Saturated mixed glycols/mixed acids copolyester	48 FR 22794 (5/20/83)	Do.
83-720	Generic name: Cellulose, alkyl alkoxy ether	48 FR 22794 (5/20/83)	Do.
83-721	Generic name: Alkylbiphenyls	48 FR 22794 (5/20/83)	Do.
83-722	Generic name: Alkyl acrylate copolymer	48 FR 22794 (5/20/83)	Do.
83-723	Generic name: Metal chloro carbonyl dimer	48 FR 22794 (5/20/83)	Aug. 8, 1983.
83-724	Generic name: Metal substituted B-diketonate	48 FR 22794 (5/20/83)	Do.
83-725	Methyl lactate	48 FR 22795 (5/20/83)	Do.
83-726	Generic name: Reaction product of an aliphatic diisocyanate, aliphatic diol, aliphatic triol, and aliphatic dicarboxylic acid.	48 FR 22795 (5/20/83)	Do.
83-727	Generic name: Reaction product of an aliphatic diisocyanate, aliphatic diol, aliphatic triol, and aliphatic dicarboxylic acid.	48 FR 22795 (5/20/83)	Do.
83-728	Generic name: Organic silane-sulfonyl azide	48 FR 22795 (5/20/83)	Do.
83-729	Generic name: Copolymer of mixed alkyl esters of acrylic and methacrylic acids	48 FR 23904 (5/27/83)	Aug. 10, 1983.
83-730	Oxo-hexyl acetate	48 FR 23904 (5/27/83)	Do.
83-731	Generic name: Acrylic resin	48 FR 23904 (5/27/83)	Do.
83-732	Generic name: Polymer of styrene with divinyl-benzene substituted partially by N-hydroxy-alkyl-N,N-dialkyl ammonium alkyl and partially by N,N-dialkylaminoalkyl.	48 FR 23904 (5/27/83)	Do.
83-733	Cyclohexandimethanol-isophthalic acid-trimellitic anhydride condensation product	48 FR 23904 (5/27/83)	Do.
83-734	Generic name: Toluene di-isocyanate adduct with a poly hydroxy compound	48 FR 23904 (5/27/83)	Do.
83-735	Generic name: Ketimine	48 FR 23904 (5/27/83)	Do.
83-736	Generic name: Alkoxylated polyamine	48 FR 23904 (5/27/83)	Do.
83-737	Generic name: Hydroxy functional acrylic resin	48 FR 23904 (5/27/83)	Aug. 13, 1983.
83-738	Generic name: Hydroxy functional acrylic resin	48 FR 23904 (5/27/83)	Do.
83-739	Generic name: Diamide of polybutenyl succininc anhydride	48 FR 23904 (5/27/83)	Aug. 14, 1983.
83-740	Generic name: Polymer of acrylic acid and mixed alkyl acrylates	48 FR 23904 (5/27/83)	Do.
83-741	Generic name: Substituted polyalkylene polyamine	48 FR 23904 (5/27/83)	Do.

II. 115 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
83-742	Generic name: Polyalkyleneoxy alkanoate	48 FR 23904 (5/27/83)	Do.
83-743	Generic name: Alkoxy alkyl halo alkanoate	48 FR 23905 (5/27/83)	Do.
83-744	Generic name: Heterozine	48 FR 23905 (5/27/83)	Aug. 15, 1983.
83-745	Generic name: Modified rosin ester	48 FR 23905 (5/27/83)	Do.
83-746	Generic name: Esterified vinyl, alkenyl polymer	48 FR 23905 (5/27/83)	Do.
83-747	Generic name: Copolymer of alkyl methacrylates and substituted alkyl methacrylates	48 FR 23905 (5/27/83)	Aug. 16, 1983.
83-748	Generic name: Alkyl amine salt of a substituted phenol	48 FR 23905 (5/27/83)	Do.
83-749	Generic name: Alkyl amine salt of a substituted phenol	48 FR 23905 (5/27/83)	Do.
83-750	Generic name: Alkyl amine salt of a substituted phenol	48 FR 23905 (5/27/83)	Do.
83-751	Generic name: Alkyl amine salt of a substituted phenol	48 FR 23905 (5/27/83)	Do.
83-752	Generic name: Benzothiazole, N-substituted-2-substituted	48 FR 23905 (5/27/83)	Do.
83-753	Generic name: Styrene acrylic copolymer	48 FR 23905 (5/27/83)	Do.
83-754	Generic name: Polyimide ester	48 FR 24967 (6/3/83)	Aug. 17, 1983.
83-755	4-hyroxy-6-phenylaminonaphthalene-2-sulfonic acid	48 FR 24967 (6/3/83)	Do.
83-756	Generic name: (Substituted) (substituted) naphthalene sulfonic acid, and (substituted) (substituted) naphthalene sulfonic acid, chloride.	48 FR 24967 (6/3/83)	Do.
83-757	Generic name: Functionalized acrylic polymer	48 FR 24967 (6/3/83)	Do.
83-758	Generic name: Functionalized acrylic polymer	48 FR 24967 (6/3/83)	Aug. 20, 1983.
83-759	Generic name: Functionalized acrylic polymer	48 FR 24967 (6/3/83)	Do.
83-760	Generic name: Methylpropenypyridine	48 FR 24967 (6/3/83)	Do.
83-761	Generic name: Substituted cyclopentadione	48 FR 24967 (6/3/83)	Do.
83-762	Generic name: Octenal	48 FR 24968 (6/3/83)	Do.
83-763	Generic name: N,N-'-bis(substituted alkyl) dicarboxylic acid diamide	48 FR 24968 (6/3/83)	Do.
83-764	Generic name: N,N-'-bis(substituted alkyl) dicarboxylic acid diamide	48 FR 24968 (6/3/83)	Do.
83-765	Generic name: Poly[alkylene-bis(amidoalkyl)-bis(dialkyl) oxaalkylene diammonium dichloride]	48 FR 24968 (6/3/83)	Do.
83-766	Generic name: Poly[alkylene-bis(amidoalkyl)-bis(dialkyl) oxaalkylene diammonium dichloride]	48 FR 24968 (6/3/83)	Do.
83-767	Generic name: Trisubstituted heterocycle	48 FR 24968 (6/3/83)	Do.
83-768	Generic name: Trisubstituted heterocycle	48 FR 24968 (6/3/83)	Do.
83-769	Generic name: Disubstituted heterocycle	48 FR 24968 (6/3/83)	Aug. 21, 1983.
83-770	Generic name: Cobalt complex of a substituted phenolazonaphthol	48 FR 24968 (6/3/83)	Do.
83-771	Generic name: Chromium complex of substituted phenolazoalkylarylamino-forminidphenol with sulfonaphthylazosulfonaphthol.	48 FR 24968 (6/3/83)	Do.
83-772	Generic name: [(Haloheterocyclic oxy)aryloxy] alkanoate	48 FR 24968 (6/3/83)	Do.
83-773	Generic name: Polyester	48 FR 24968 (6/3/83)	Do.
83-774	Generic name: Substituted phenolic derivative, alkyl ester	48 FR 24969 (6/3/83)	Do.
83-775	Generic name: Polymer of mixed acrylates and methacrylates	48 FR 24969 (6/3/83)	Do.
83-776	Generic name: Hydrogenated diene copolymer	48 FR 24969 (6/3/83)	Do.
83-777	Generic name: Disubstituted methanone	48 FR 24969 (6/3/83)	Do.
83-778	Generic name: Cyclomethylene citronellal	48 FR 24969 (6/3/83)	Do.
83-779	Generic name: Cyclomethylene citronellol	48 FR 24969 (6/3/83)	Do.
83-780	Generic name: Aryl borate	48 FR 24969 (6/3/83)	Do.
83-781	Generic name: An organic complex of a halogenated metal	48 FR 24969 (6/3/83)	Do.
83-782	Generic name: Product of alcohol, halogenated metal, organic complex of halogenated metal	48 FR 24969 (6/3/83)	Aug. 22, 1983.
83-783	Generic name: An organic complex of a halogenated metal	48 FR 24969 (6/3/83)	Aug. 23, 1983.
83-784	Generic name: Substituted heteromonocycle sulfonyl aniline	48 FR 24969 (6/3/83)	Do.
83-785	Generic name: Substituted heteromonocycle sulfonylphenyl azo substituted naphthalene-sulfonic acid, salt.	48 FR 26884 (6/10/83)	Do.
83-786	Generic name: Ester of a substituted phenol and an inorganic acid	48 FR 26884 (6/10/83)	Aug. 24, 1984.
83-787	Generic name: Salt of diester of phosphorodithioic acid	48 FR 26884 (6/10/83)	Do.
83-788	Generic name: Reaction product of fatty alkene amine and isocyanate	48 FR 26884 (6/10/83)	Do.
83-789	Generic name: Reaction product of a fatty alkene amine, aromatic amine and isocyanate	48 FR 26884 (6/10/83)	Do.
83-790	Generic name: Hetyerocyclic carboxylic acid	48 FR 26884 (6/10/83)	Do.
83-791	Generic name: Vegetable oil polyamide resin	48 FR 26884 (6/10/83)	Do.
83-792	Generic name: Alkylamine salt of polyalkyl-polycyclic sulfonic acid	48 FR 26884 (6/10/83)	Do.
83-793	Generic name: 2-chloro-4(N,N-diethylamino)-5-substituted aryloxydiazonium tetrafluoroborate	48 FR 26885 (6/10/83)	Do.
83-794	Generic name: Lignosulfonate, reaction product with an alkenoic acid	48 FR 26885 (6/10/83)	Do.
83-795	4-Methylumbelliferyl-B-D-glucuronide	48 FR 26885 (6/10/83)	Do.
		48 FR 26885 (6/10/83)	Aug. 26, 1983

III. 78 PREMANUFACTURE NOTICE FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY.)

PMN No.	Identity and generic name	FR citation	Expiration date
80-137	Withdrawn as of June 21, 1983		
80-138	Withdrawn as of June 21, 1983		
80-264	Withdrawn as of June 21, 1983		
83-36	Withdrawn as of June 10, 1983		
83-37	Withdrawn as of June 10, 1983		
83-533	Generic name: Alkaneamine, alkane acid epoxy propyl ester, alkane aldehyde polymer	48 FR 11500 (3/18/83)	June 1, 1983.
83-534	Generic name: Etheric aromatic ester	48 FR 11500 (3/18/83)	Do.
83-535	N,N'-bis(2,2,6,6-tetramethyl-4-piperidyl) hexamethylenediamine polymer with ethane-1,2-dibromo	48 FR 11500 (3/18/83)	June 4, 1983.
83-536	Polymer of poly(oxytetramethylene)diol, toluene diisocyanate polymer, isocyanate terminated and benzenamine, 4,4'-methylenebis and 2-butanone oxime.	48 FR 11500 (3/18/83)	Do.
83-537	Generic name: Waterborne urethane-acrylic polymer	48 FR 11500 (3/18/83)	Do.
83-538	Generic name: Polymer of diethylenetriamine and higher polyamine with dibasic esters	48 FR 11500 (3/18/83)	June 5, 1983.
83-539	Generic name: Substituted aralkylsilanes	48 FR 11500 (3/18/83)	Do.
83-540	Generic name: Polyamidoamine	48 FR 11500 (3/18/83)	Do.
83-541	Generic name: Polymer of carbonic acid and mixed aromatic diols containing sulfone diol	48 FR 11500 (3/18/83)	Do.
83-542	Generic name: Alkyl, alkylene maleate	48 FR 11500 (3/18/83)	Do.
83-544	Generic name: Unsaturated polyester	48 FR 11501 (3/18/83)	June 7, 1983.
83-545	Benzene, 1-3-bis(isocyanatomethyl)	48 FR 11501 (3/18/83)	Do.
83-546	Generic name: Substituted phenolazo, substituted pyrazolone	48 FR 11501 (3/18/83)	Do.
83-547	Generic name: Substitued phenolazo, substituted pyrazolone	48 FR 11501 (3/18/83)	Do.
83-548	Carboxylic acids, C_8-C_{14} mono-and C_8-C_{14} di-C_8-C_{11} di, polymers with phthalic anhydride and propylene glycol.	48 FR 11501 (3/18/83)	Do.
83-549	Generic name: Substituted acetamide	48 FR 11501 (3/18/83)	Do.
83-550	Generic name: Polymer of formaldehyde and substituted phenols	48 FR 12590 (3/25/83)	June 8, 1983.
83-551	Generic name: Modified polymer of formaldehyde and substituted phenols	48 FR 12590 (3/25/83)	Do.

III. 78 PREMANUFACTURE NOTICE FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY.)—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
83-552	Generic name: Phenol formaldehyde butanol resin	48 FR 12591 (3/25/83)	Do.
83-553	Ethanesulfonic acid, 2-[bis(2-cyanoethyl) phosphino]-postassium salt	48 FR 12591 (3/25/83)	June 11, 1983.
83-554	Generic name: 1,3-benzenedicarboxylic acid, 5-substituted polymer with 1,2-ethanediol and oxo-heteropolycycle.	48 FR 12591 (3/25/83)	June 11, 1983.
83-555	Generic name: 1,3-benzenedicarboxylic acid, 5-substituted polymer with 1,2-ethanediol and oxo-heteropolycycle.	48 FR 12591 (3/25/83)	Do.
83-556	Generic name: Polyester polyurethane	48 FR 12591 (3/25/83)	June 12, 1983.
83-557	Generic name: Disubstituted hetermononcycle	48 FR 12591 (3/25/83)	Do.
83-558	Generic name: Modified epoxy resin	48 FR 12591 (3/25/83)	Do.
83-559	Generic name: Organo phosphate	48 FR 12591 (3/25/83)	Do.
83-560	Generic name: Organo phosphate polymer	48 FR 12591 (3/25/83)	Do.
83-561	Generic name: Acrylic alkyd polymer	48 FR 12591 (3/25/83)	Do.
83-562	Generic name: Acrylic alkyd polyer	48 FR 12591 (3/25/83)	Do.
83-563	Generic name: Substituted indolium, salt	48 FR 12591 (3/25/83)	Do.
83-564	Generic name: Dialkyl cycloaliphatic diester	48 FR 12591 (3/25/83)	Do.
83-565	Generic name: Sodium salt of a polymer of acrylic acid, acrylamide, and substituted acrylamide	48 FR 12592 (3/25/83)	June 13, 1983.
83-566	Generic name: Substitued chlorobenzene	48 FR 12592 (3/25/83)	June 14, 1983.
83-567	Generic name: Modified acrylic copolymer	48 FR 12592 (3/25/83)	Do.
83-568	Generic name: Substitute styrene	48 FR 12592 (3/25/83)	Do.
83-569	Generic name: Phenyl substituted butane	48 FR 12592 (3/25/83)	Do.
83-570	Generic name: Substituted alkane diols	48 FR 14035 (4/1/83)	June 15, 1983.
83-571	Generic name: Fatty acids, carbomonocyclic ester	48 FR 14035 (4/1/83)	Do.
83-572	Generic name: Polyester polycarboxylate salt	48 FR 14035 (4/1/83)	Do.
83-573	Generic name: Unsaturated polyester	48 FR 14035 (4/1/83)	Do.
83-574	Polymer of malonic acid, diethyl ester, trimethylolpropane, 1,6-hexanediol, neopentylglycol	48 FR 14035 (4/1/83)	Do.
83-575	Polymer of bisphenol A-oxirane polymer, neodecanoic acid, 2,3-epoxypropyl ester, diethylamino-propylamine, diethanolamine.	48 FR 14035 (4/1/83)	Do.
83-576	Generic name: Polymer of diphenylmethane disocyanate, alkyl epoxides, alkane triol, and trisubstituted alkanol.	48 FR 14035 (4/1/83)	Do.
83-577	Generic name: 2-(2-haloaryl)amino-6-(N,N-dialkylamino)fluoran	48 FR 14036 (4/1/83)	June 18, 1983.
83-578	Generic name: Alkoxymethylpolysilazanes	48 FR 14036 (4/1/83)	Do.
83-579	Invalid		
83-580	Generic name: Thio-substitutrd aromatic amine	48 FR 14036 (4/1/83)	Do.
83-581	Generic name: (Substituted-acetacetanilidylazophenyl)-(substituted) benzothiazole alkanolamine salt.	48 FR 14036 (4/1/83)	June 19, 1983.
83-582	Dimethylsila-14-crown-5	48 FR 14036 (4/1/83)	Do.
83-583	Generic name: Organotrimethoxysilane	48 FR 14036 (4/1/83)	Do.
83-584	Generic name: Blocked isocyanate	48 FR 14036 (4/1/83)	Do.
83-585	Generic name: Polymer of styrene, mixed acrylates and acrylic amide	48 FR 14036 (4/1/83)	June 20, 1983.
83-586	Generic name: Mixed acrylic copolymer	48 FR 14036 (4/1/83)	Do.
83-587	Generic name: Mixed metal oxide	48 FR 14036 (4/1/83)	June 21, 1983.
83-588	2,6-bis(picrylamino)pyridine	48 FR 15180 (4/7/83)	June 22, 1983.
83-589	Generic name: 2,6-bis(picrylamino)-3,5-dinitropyridine	48 FR 15180 (4/7/83)	Do.
83-590	Generic name: Arylsulfonic acid, [[(arylamino) phenyl]azo] compound with alkanolamine	48 FR 15180 (4/7/83)	Do.
83-591	Generic name: Styrene-acrylic terpolymer	48 FR 15181 (4/7/83)	Do.
83-592	Generic name: Acrylic acid polymer	48 FR 15181 (4/7/83)	June 25, 1983.
83-593	Generic name: Dialkylamino xylenol	48 FR 15181 (4/7/83)	Do.
83-594	Generic name: Alkyl amino propyl carbamide	48 FR 15181 (4/7/83)	Do.
83-595	Generic name: Alkyl amino propyl amine	48 FR 15181 (4/7/83)	Do.
83-596	Generic name: Modified acrylic polymer	48 FR 15181 (4/7/83)	June 26, 1983.
83-597	Generic name: Cycloaliphatic isocyanate-amine based polyol prepolymer	48 FR 15181 (4/7/83)	Do.
83-598	Generic name: Polyester resin of aliphatic polyols, mixed aromatic diacids and aliphatic diacid	48 FR 15181 (4/7/83)	Do.
83-599	Generic name: Polyester resin of aliphatic polyol, mixed aromatic diacids, aliphatic diacid, and aromatic disocyanate.	48 FR 15181 (4/7/83)	Do.
83-600	Generic name: Modified rosin ester	48 FR 15181 (4/7/83)	Do.
83-602	Generic name: Brominated polyol diester	48 FR 15181 (4/7/83)	June 27, 1983.
83-604	Generic name: Reaction product of a mixture of mono and disubstituted dioxocarbopolycyclic compounds and 1,4-disubstituted benzene with sulfur.	48 FR 15182 (4/7/83)	June 29, 1983.
83-605	Anthraquinone, 2,2'-benzo[1,2-d:4,5-d']bisthiazole-2,6-diylbis[1-amino-	48 FR 15182 (4/7/83)	Do.
83-606	Anthracenedione, 2-methyl-1-nitro	48 FR 15182 (4/7/83)	Do.
83-607	Generic name: Di (mixed alkyl) magnesium	48 FR 15182 (4/7/83)	Do.
83-608	Generic name: Substituted bis substituted benzeneaminium, dichloride	48 FR 16331 (4/15/83)	June 29, 1983.
83-609	Generic name: Substituted benzenesulfonic acid, sodium salt and substituted benzenesulfonic acid	48 FR 16331 (4/15/83)	Do.

IV. 50 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE.

PMN No.	Chemical identification	FR citation	Date of commencement
80-221	Cyclohexanecarbonitrile, 1,1'-azobis	45 FR 62196 (9/18/80)	July 20, 1983.
80-222	Cyclohexanecarbonitrile, 1-amino	45FR 62196 (9/18/80)	July 11, 1983.
81-256	Generic name: Poly(2-hydroxypropyl)monohetero-cyclictriamine	46 FR 35346 (7/6/81)	June 13, 1982.
81-336	Generic name: Ester of hydrozamic acid	46 FR 39689 (8/5/81)	June 6, 1983.
81-392	Generic name: Trialkoxysilylalkyl arylamine	46 FR 44047 (9/2/81)	May 13, 1982.
81-465	Generic name: Alkanedioic acid, (1-methyl, 5-hydroxymethyl heteromonocycle) diester	46 FR 47856 (9/30/81)	May 24, 1982.
81-466	Generic name: Alkanedioic acid, bis(hydroxymethyl heteromonocycle) ester	46 FR 47856 (/30/82)	Do.
81-638	Generic name: Polyether reaction product with toluene disocyanate-methacrylate terminated	46 FR 12688 (12/26/81)	July 1, 1983.
82-64	Generic name: Polyamide-acrylic resin	47 FR 6364 (2/11/82)	Sept. 1, 1983.
82-284	Methylated triphenyl phosphate residue	47 FR 17667 (4/23/83)	Sept. 21, 1982.
82-352	Generic name: Naphthalenedisulfonic acid, [[aminosulfohydroxy naphthalenyl]azo]-,trisodium salt	47 FR 22215 (5/21/82)	Jan. 27, 1983.
82-363	Generic name: Polyoxypropylene ester acyl caprolactam	47 FR 23553 (5/28/83)	July 5, 1983.
82-410	Generic name: Substituted heterocycle, amine salt	47 FR 25403 (6/11/82)	Nov. 15, 1982.
82-414	Generic name: Polyester polymer	47 FR 25403 (6/11/82)	June 13, 1983.
82-416	Generic name: Urethane polyol	47 FR 25403 (6/11/82)	Do.
82-432	Reaction mixture containing: isobornyl acetylacetate, isobornyl acetate and ethylacetylacetate	47 FR 27610 (6/25/82)	June 8, 1983.
82-655	Generic name: Substituted acrylamide copolymer	47 FR 41167 (9/17/82)	June 7, 1983.
82-697	Generic name: Alkyl spirodecane	47 FR 44609 (10/8/82)	July 1, 1983.
83-94	Generic name: Alkyl substituted salicylaldehyde	47 FR 52222 (11/19/82)	Do.

IV. 50 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE.—Continued

PMN No.	Chemical identification	FR citation	Date of commencement
83-99	Generic name: Sulfonatec phenol formaldehyde condensation polymer	47 FR 52222 (11/19/82)	Apr. 1983.
83-112	Generic name: Hydroxy naphthalenedisulfonic acid, disodium salt, ((2-((sodium sulfooxyethyl) sulfonyl) phenyl) azo, and dichlorotriazinylamino substituted.	47 FR 52224 (11/19/82)	Mar. 1983.
83-113	Generic name: Benzenesulfonic acid, 4-(4-((4-substituted 2-sulfophenyl)azo) 3-carboxy-5-hydroxy-1H-pyrazol-1-yl)-, x, sodium salt.	47 FR 52224 (11/19/82)	Do.
83-114	Generic name: Naphthalenedisulfonic acid, disodium salt, ((2-((sodium sulfooxyethyl) = sulfonyl)aryl)azo, and monochlorotriazinylmino, substituted, = copper complex.	47 FR 52224 (11/19/82)	Do.
83-124	3-bromo-4-(4-(bis-2-hydroxyethylamino)-2-methyl- = phenylazo)-5-nitrobenzoic acid ethyl ester	47 FR 53782 (11/29/82)	Do.
83-283	Generic name: Substituted cyclosiloxane	47 FR 57334 (12/23/82)	May 16, 1983.
83-284	Generic name: Polyester polyol	47 FR 57334 (12/23/82)	Mid May 1983.
83-320	Generic name: Polymeric acrylates	47 FR 57338 (12/23/82)	Last week of Apr. 1983.
83-321	Generic name: Mixed glycol oligoesters of mixed dicarboxylic acids	48 FR 72 (1/3/83)	June 9, 1983.
83-344	Generic name: Mercapto-substituted, heterocyclic nitrogen compound	48 FR 862 (1/7/83)	May 4, 1983.
83-345	Generic name: Alkyl thiocyanate	48 FR 862 (1/7/83)	Do.
83-362	Generic name: Vinyl acrylic copolymer	48 FR 1820 (1/14/83)	June 13, 1983.
83-366	An aqueous solution of ammonium acrylate	48 FR 3045 (1/24/83)	May 1983.
83-378	Generic name: Methyl-methyleneimidazole derivative of copper phthalocyanine, compound with acetic acid.	48 FR 3046 (1/24/83)	May 18, 1983.
83-379	Generic name: Methyl-methyleneimidazole derivative of copper phthalocyanine, compound with methoxy-acetic acid.	48 FR 3046 (1/24/83)	Do.
83-380	Generic name: Methyl-methyleneimidazole derivative of chloroethylindolophenodioxazine, compound with acetic acid.	48 FR 3046 (1/24/83)	Do.
83-381	Generic name: Methyl-methyleneimidazole derivative of chloroethylindolophenodioxazine, compound with methoxy-acetic acid.	48 FR 3046 (1/24/83)	Do.
83-442	Generic name: Vegetable fatty acids; benzene carboxylic acid; hydroxylmethyl alkanepolyol polymer.	48 FR 6588 (2/14/83)	June 6, 1983.
83-448	2,6-bis(picrylamino)-3,5-dinitropyridine	48 FR 6589 (2/14/83)	June 15, 1983.
83-491	Generic name: Sodium carboxyalkyl thiosulfate	48 FR 8344 (2/28/83)	June 16, 1983.
83-493	Generic name: Alkoxylated alcohol compounds	48 FR 8344 (2/28/83)	June 17, 1983.
83-494	Generic name: Propylene glycol compounds	48 FR 8344 (2/28/83)	Do.
83-495	Generic name: Metal complexed substituted aromatic salt	48 FR 9366 (3/4/83)	June 14, 1983.
83-496	Generic name: Polyester from carbomonocyclic anhydride and an alkanediol	48 FR 9366 (3/4/83)	June 3, 1983.
83-516	Generic name: Aromatic polyester with substituted alkanes	48 FR 10469 (3/11/83)	June 1, 1983.
83-517	Generic name: Polyurethane polymer, with an aromatic polyester	48 FR 10469 (3/11/83)	Do.
83-521	Generic name: Carbomonocyclic ester	48 FR 10470 (3/11/83)	Do.
83-544	Generic name: Unsaturated polyester	48 FR 11501 (3/18/83)	June 9, 1983.
83-545	Benzene, 1-3-bis(isocyanatomethyl)	48 FR 11501 (3/18/83)	June 15, 1983.
83-561	Generic name: Acrylic alkyd polymer	48 FR 12591 (3/25/83)	June 13, 1983.
83-562	Generic name: Acrylic alkyd polymer	48 FR 12591 (3/25/83)	Do.

V. 30 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED.

PMN No.	Identity/generic name	FR citation	Date suspended
80-146	Phosphorodithioic acid *O, O'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt.	45 FR 49153 (7/23/80)	Sept. 17, 1980.
80-147	Phosphorodithioic acid *O, O'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters	45 FR 49153 (7/23/80)	Do.
81-558	4-hydroxy-3-(5-(2-hydroxysulfonyloxy) ethyl-sulfonly)-2-methoxyphenylazo)-7-succinyl-amino-2-naphthalenesulfonic acid disodium salt.	46 FR 55146 (11/6/81)	Jan. 27, 1982.
81-561	4-[4-[2-(hydroxysulfonyoxy)ethylsulfonyl]-5-methyl-2-methoxyphenylazo]-3-methyl-1-(3-sulfophenyl)-5-pyrazolone disodium salt.	46 FR 55146 (11/6/81)	Do.
81-661	4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxy-sulfonyloxy)ethylsulfonyl)phenylazo-6-(3-sulfophenyl)amino-2-napthalenesulfonic acid trisodium salt.	47 FR 1021 (1/8/82)	Mar. 28, 1982.
82-60	Generic name: Zinc, O,O-bis alkylphosphoro dithioate	47 FR 5932 (2/9/82)	Apr. 15, 1982.
82-387	Phosphorodithioic acid, O,O', secondary butyl and isooctyl mixed esters	47 FR 25401 (6/11/82)	July 30, 1982.
82-388	Phosphorodithioic acid, O,O', secondary butyl and isooctyl mixed esters, zinc salt	47 FR 25401 (6/11/82)	Do.
83-1	Generic name: Polyhalogenated aromatic alkylated hydrocarbon	47 FR 46371 (10/18/82)	Oct. 22, 1982.
83-110	Generic name: Saturated acid diester	47 FR 52223 (11/19/82)	Jan. 26, 1983.
83-115	Generic name: Naphthalenedisulfonic acid, disodium salt, ((2-((sodium sulfooxyethyl) sulfonyl)aryl)azo), and monochlorotriazinyl amino, substituted, copper complex.	47 FR 52224 (11/19/82)	Apr. 1, 1983.
83-333	Generic name: Reaction product of polycycle-sulfonic acid salt with phosphorus halide/halogen, subsequent reaction with an amine, subsequent reaction with an aldehyde/sodium bisulfite alkali.	48 FR 73 (1/3/83)	Mar. 14, 1983.
83-335	Generic name: ((Substituted phenyl)azo) naphthalenesulfonic acid, sodium salt	48 FR 73 (1/3/83)	Mar. 17, 1983.
83-341	Generic name: 7-[4-[4-chloro-8-[3-[2-(hydroxy-sulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-2-ureidophenylazo]-1,3,6-naphthalenetrisulfonic acid, tetrasodium salt.	48 FR 862 (1/7/83)	Mar. 21, 1983.
83-350	2-propoxyethyl acetate	48 FR 862 (1/7/83)	Do.
83-370	8-acetyl-3-dodecyl-7,7,9,9-tetramethyl-1,3,8-triazaspiro [4,5]decane-2,4-dione	48 FR 3045 (1/24/83)	Apr. 15, 1983.
83-394	Generic name: Polyglycidyl amine	48 FR 5304 (2/4/83)	Apr. 23, 1983.
83-433	Generic name: Mono azo aromatic compound	48 FR 6397 (2/11/83)	Apr. 19, 1983.
83-434	Generic name: Unsaturated aliphatic diether	48 FR 6397 (2/11/83)	Apr. 20, 1983.
83-454	Generic name: Acrylamide copolymer	48 FR 6589 (2/14/83)	Apr. 13, 1983.
83-461	Generic name: Substituted alkoxy silane	48 FR 7300 (2/18/83)	Apr. 25, 1983.
83-479	Generic name: Monoazo substituted aromatic	48 FR 7301 (2/18/83)	May 2, 1983.
83-486	Generic name: Zirconium propanoate, substituted	48 FR 8343 (2/28/83)	May 6, 1983.
83-518	1,1'[isopropylidenebis(6-hydroxy-m-phenylene)]bis[tetrahydiathiophenium hydroxide) bis (inner salt) tetrahydrate.	48 FR 10469 (3/11/83)	May 27, 1983.
83-523	1,1'(isopropylidenebis(6-hydroxy-m-phenylene)]bis[tetrahydrothiophenium hydroxide) mixed salts	48 FR 10470 (3/11/83)	Do.
83-526	Generic name: Substituted benzindolium, salt	48 FR 10470 (3/11/83)	May 20, 1983.
83-532	Generic name: Glyceryl propoxy diacrylate	48 FR 10470 (3/11/83)	May 30, 1983.
83-543	Generic name: Polymer of diethylenetriamine and higher polyamines with dibasic esters, reacted with epichlorohydrin.	48 FR 11500 (3/18/83)	May 27, 1983.
83-601	Generic name: Halogenated alkene acid ester [1]	48 FR 15181 (4/7/83)	July 7, 1983.
83-603	Generic name: Substituted nitrile	48 FR 15181 (4/7/83)	June 16, 1983.

[1] PMN restarted on May 20, 1983 and was subject to resuspension.

[FR Doc. 83-20241 Filed 7-27-83; 8:45 am]
BILLING CODE 6560-50-M

[WH-FRL-2406-8]

Availability of Documents Pertaining to Section 301(m)

AGENCY: Environmental Protection Agency.

ACTION: Notification of public availability.

SUMMARY: This notice serves to notify the public of the availability of technical documents sent by the Agency to two pulp and paper mills located on the Samoa Peninsula, California. These technical documents, known as "Letters of Instruction," request these mills to provide certain information to enable the Agency to determine whether these mills qualify for modifications from certain treatment requirements.

FOR FURTHER INFORMATION CONTACT: Documents are available from Mr. Thomas A. Kremer, Chief, Water Permits Section, United States Environmental Protection Agency, Region X, 215 Fremont Street, San Francisco, CA 94105, (405) 974-8283.

SUPPLEMENTARY INFORMATION: On January 8, 1983, President Reagan signed into law section 301(m) of the Clean Water Act (CWA). This section provides the opportunity for two pulp mills located on the Samoa Peninsula in California to apply to the Environmental Protection Agency for permit modifications from nationally applicable Best Practicable Technology (BPT) and Best Conventional Technology (BCT) limitations, and section 403 requirements for biochemical oxygen demand (BOD) and pH. These two mills hold National Pollutant Discharge Elimination System (NPDES) permit numbers CA00005894 and CA00005282. On April 25, 1983 the Agency sent each of these two mills a "Letter of Instruction" which presented information requirements that the applicants must fulfill to enable the Agency to determine whether the potential applicants meet the statutory requirements necessary to warrant a 301(m) modified permit. The Agency required the submission of completed applications from the applicants within 150 days of their receipt of these Letters unless the applicants submitted written requests for extensions within 30 days of their receipt of the Letters. The mills received these Letters on April 29th. Neither company has requested a deadline extension, and applications are therefore due on Monday, September 26.

Dated: July 18, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator.

[FR Doc. 83-20457 Filed 7-27-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59127B/59129A; TSH-FRL 2406-3]

Certain Chemicals; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of TM-83-55, TM-83-63, and TM-83-64, three applications 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: July 20, 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. 20460, (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. If the substance is shipped, 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 83-55

Date of Receipt: May 17, 1983.

Notice of Receipt: May 27, 1983 (48 FR 23902).

Applicant: Confidential.

Chemical: Tannins, hydroxyethylamino and methylamino methylated (Generic).

Use: Confidential.

Production Volume: Confidential.

Number of Customers: Up to 20.

Worker Exposure: A total of 10 workers have potential for dermal exposure during manufacture and processing of the new substance. Total exposure to workers during use is not known but is not expected to be substantial.

Environmental Release: Disposal by publicly owned treatment works (POTW) and landfill. The submitter estimates that less than 30 kg. total will be released to water throughout the test marketing period, so that actual concentrations in the environment at any time are expected to be low.

Test Marketing Period: 4 months.

Commencing on: July 20, 1983.

Risk Assessment: No significant human health effects are expected. EPA initially expected the TME substance to be acutely toxic to aquatic organisms. The submitter suspended the TME review period until it could provide EPA with the results of ecotoxicity tests previously initiated on a substance closely related to the TME substance. Based on the additional information the submitter provided to the Agency, together with the expected low concentrations of the TME substance in aquatic environments, and the low concerns for human health effects, the Agency concludes that test marketing of this substance will not present an unreasonable risk to health or the environment during test marketing activities.

TME 83-63

Date of Receipt: June 6, 1983.

Notice of Receipt: June 24, 1983 (48 FR 29049).

Applicant: Confidential.

Chemical: Substituted phosphonium borate (Generic).

Use: Component of rubber compounds (Generic).

Import Volume: Confidential.

Worker Exposure: Up to 80 workers may handle the rubber compounds containing the TME substance. However, there will be no exposure to the pure TME substance. The substance

is not expected to volatilize or to migrate to the surface of the rubber.

Test Marketing Period: 120 days.

Commencing on: (Insert signature date.)

Risk Assessment: The Agency identified no significant potential health or environmental effects of concern. Human exposure and environmental release during manufacture, processing, and use, under the conditions specified in the application are expected to be low. Therefore, the Agency finds that the TME 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.

TME 83-64

Date of Receipt: June 7, 1983.

Notice of Receipt: June 24, 1983 (48 FR 29049).

Applicant: Confidential.

Chemical: (Generic) Modified polyacrylate.

Use: Confidential.

Production Volume: Confidential.

Number of Customers: 1.

Exposure Information: There may be a potential for dermal exposure to workers during processing operations. Processors will be advised to wear protective clothing.

Test Marketing Exemption Period: 90 days.

Risk Assessment: Test data submitted with the application indicate that the new chemical substance is not acutely toxic and is a slight eye and skin irritant. Overall concerns for health and environmental effects for the new chemical substance are low. The new substance is not expected to be absorbed by any route of exposure. Therefore, the Agency finds that the TME substance will not present an unreasonable risk to health or the environment during test marketing under the conditions specified in the application.

Dated: July 20, 1983.

Marcia E. Williams,

Acting Director, Office of Toxic Substances.

[FR Doc. 83-20453 Filed 7-27-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; Citizens Ban-Corporation

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Citizens Ban-Corporation,* Rock Port, Missouri; to acquire 80 percent of the voting shares or assets of Laddonia State Bank, Laddonia, Missouri. Comments on this application must be received not later than August 22, 1983.

Board of Governors of the Federal Reserve System, July 22, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-20396 Filed 7-27-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Chemical New York Corp., 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 applicants, 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 New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Chemical New York Corporation,* New York, New York (consumer and commercial finance, loan servicing, and credit-related insurance activities; Ohio): To engage through its subsidiary, Sunamerica Corporation ("Sunamerica"), in the making, acquiring and servicing of loans and other extensions of credit, in the sale of related credit life, and credit accident and health insurance in connection with said extensions of credit, and in the acquiring from time to time of financing paper originating outside of Ohio. These activities will be conducted from an office located in Cleveland, Ohio, serving the State of Ohio (but to the extent that finance paper is to be acquired from time to time outside Ohio, the service area of that office will be the entire United States). Sunamerica or its subsidiaries engaged in said activities at the time of its acquisition by Applicant in 1974, thereby rendering said activities permissible under Section 601 of the Garn-St Germain Depository Institutions Act of 1982. Comments on this application must be received not later than August 17, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Citizens and Southern Georgia Corporation,* Atlanta, Georgia (commercial finance; Georgia): To engage, through its subsidiary, Family Credit Services, Inc., in consumer and commercial finance activities, including the extension of direct loans to consumers, the discount of retail and installment notes or contracts, the purchase of real estate notes, the extension of direct loans to dealers for the financing of inventory (floor planning), and working capital purposes; making, acquiring or soliciting, for its own account or for the account of others, loans and other extensions of

credit; and acting as agent for the sale of life, accident and health insurance directly related to its extensions of credit. These activities would be performed in the areas in and surrounding Fayette County, Georgia, and the Metropolitan Atlanta area. Comments on this application must be received not later than August 22, 1983.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Puget Sound Bancorp*, Tacoma, Washington (mortgage banking, escrow activities; Oregon): To engage, through its subsidiary, Washington Mortgage Corporation, in making or acquiring loans and other extensions of credit such as would be made by a commercial mortgage company, including the making and participating in construction and permanent loans secured by an interest in real estate, the sale and servicing of such loans and related security agreements, and the providing of escrow services relative to the making of such loans in accordance with the Board's Regulation Y. These activities will be performed from an office located in Portland, Oregon, serving primarily the State of Oregon. Comments on this application must be received not later than August 22, 1983.

2. *Puget Sound Bancorp*, Tacoma, Washington (mortgage banking, escrow activities; California): To engage, through its subsidiary, Washington Mortgage Corporation, in making or acquiring loans and other extensions of credit such as would be made by a commercial mortgage company, including the making and participating in construction and permanent loans secured by an interest in real estate, the sale and servicing of such loans and related security agreements, and the providing of escrow services relative to the making of such loans in accordance with the Board's Regulation Y. These activities will be performed from an office located in Newport Beach, California, serving primarily the State of California. Comments on this application must be received not later than August 22, 1983.

Board of Governors of the Federal Reserve System, July 22, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-20400 Filed 7-27-83; 8:45 am]

BILLING CODE 6210-01-M

Chemical New York Corp.; Proposal to Engage Directly in Nonbanking Activities

Chemical New York Corporation, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 2254(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage directly for its own account in purchases, sales and repurchase agreements with respect to money market instruments, including bankers acceptances, certificates of deposit and third party commercial paper in which state member banks may from time to time to authorized to deal. These activities would be performed from offices of Applicant in New York, New York, and the geographic area to be served is the entire United States.

None of the proposed activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, but the Board has approved these activities by order.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than August 22, 1983.

Board of Governors of the Federal Reserve System, July 22, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-20398 Filed 7-27-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; First Barnesville Corp.; et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to the application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *First Barnesville Corporation*, Barnesville, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Barnesville, Barnesville, Georgia. Comments on this application must be received not later than August 22, 1983.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *The Citizens Bancorp of Hickman, Inc.*, Hickman, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of The Citizens Bank, Hickman, Kentucky. Comments on this application must be received not later than August 22, 1983.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Altus NBC Corp.*, Altus, Oklahoma; to become a bank holding company by acquiring 80 percent of the voting shares of NBC Corporation, Altus, Oklahoma and its subsidiary, The National Bank of Commerce, Altus, Oklahoma. Comments on this application must be received not later than August 22, 1983.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Central Bancshares Corporation*, San Angelo, Texas; to become a bank holding company by acquiring at least 80 percent of the voting shares of The Central National Bank-West, San Angelo, Texas and The Central National Bank of San Angelo, San Angelo, Texas. Comments on this application must be received not later than August 22, 1983.

E. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Guardian Bancorp*, Los Angeles, California; to become a bank holding company by acquiring 100 percent of the voting shares of Guardian Bank, Los Angeles, California, a *de novo* bank. Comments on this application must be received not later than August 22, 1983.

Board of Governors of the Federal Reserve System, July 22, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-20397 Filed 7-27-83; 8:45 am]

BILLING CODE 6210-01-M

Horizon Bancorp; Merger of Bank Holding Companies

Horizon Bancorp, Morristown, New Jersey, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Northern National Corporation, Moorestown, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Horizon Bancorp, Morristown, New Jersey, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Northern National Financial Corporation, Wilmington, Delaware, a subsidiary of Northern National Corporation.

Applicant states that the proposed subsidiary would provide management consulting services to unaffiliated depository institutions. These activities would be performed from offices of Applicant's subsidiary in Wilmington, Delaware; Moorestown, New Jersey; and Philadelphia, Pennsylvania; and the geographic areas to be served are the States of Delaware and New Jersey and the Commonwealth of Pennsylvania. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonable be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views of requests for hearing should be submitted in writing and received by the Federal Reserve Bank not later than August 22, 1983.

Board of Governors of the Federal Reserve System, July 22, 1983.

Jame McAfee,

Associate Secretary of the Board.

[FR Doc. 83-20399 Filed 7-27-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-83-1269]

Establishment of an Advisory Committee on Contract; Document Reform

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

ACTION: Notice of intent to establish an Advisory Committee.

SUMMARY: HUD is establishing a Committee on Contract Document Reform pursuant to the provisions of the Federal Advisory Committee Act. The Committee will review all HUD documents relating to construction and recommend to the Secretary technical revisions that would update the documents and eliminate flaws.

The Committee will continue in existence for a period of twelve months from the date its charter becomes effective, unless the charter is sooner amended or revoked.

DATE: The charter of the Committee on Contract Document Reform shall become effective on the date the Secretary of Housing and Urban Development files it with the Senate Committee on Banking, Housing and Urban Affairs, and the House Committee on Banking, Finance and Urban Affairs, which are the standing committees of Congress having legislative jurisdiction over the Department.

FOR FURTHER INFORMATION CONTACT: Diane Savoy, Acting Committee Management Officer, Room 5170, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington D.C. 20410. Telephone: (202) 755-5512.

Bernard Shriber, Office of Housing, Room 9100, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone: (202) 755-6606. (These are not toll-free numbers).

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), HUD has determined that the establishment of a Committee on Contract Document Reform is necessary, appropriate, and in the public interest. The Committee's Charter is being published with this Notice.

The Committee shall review all HUD's contract documents pertaining directly or indirectly to construction, including construction contracts, building loan agreements, and performance and payment bonds. The Committee will make recommendations to the Secretary on the extent to which the documents must be revised to insure consistency among documents from program to program, as well as to correct inadequacies and flaws within each document.

The membership of the Committee is planned to consist of no more than nine people. All members will have considerable experience in construction law, with particular emphasis in the field of government procurement. The members will be selected on the basis of personal experience and expertise, and not as representatives of any group affected by the operation of HUD programs.

The Committee will continue in existence for a period of twelve months from the date its charter becomes effective as provided in the Federal Advisory Committee Act, unless the charter is amended or revoked sooner. All the meetings of the Committee will be open to the public.

The time, place, and agenda for the first Committee meeting, and for each

subsequent meeting, will be published in the **Federal Register** at least 15 days prior to the meeting. At the time the first meeting is announced, the names of the members of the Committee will be published.

Dated: July 21, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

United States Department of Housing and Urban Development

Committee on Contract Document Reform

Section 1. *Purpose.* This establishes a Charter for the Committee on Contract Document Reform as required under the provisions of the Federal Advisory Committee Act (FACA) of 1972, as amended, Pub. L. 92-463, 5 U.S.C. App.

Section 2. *Authority.* The Committee is established by the Secretary pursuant to Section 7 of the Department of Housing and Urban Development Act (Pub. L. 89-174, 79 Stat. 667; 42 U.S.C. 3531) in furtherance of Section 2 of the Housing Act of 1949 (Pub. L. 171, 81st Congress; 63 Stat. 413; 42 U.S.C. 1441), and implements the determination of the Secretary of Housing and Urban Development to establish an Advisory Committee pursuant to Section 9(a)(2) of FACA.

Section 3. *Objectives, Scope of Activities, and Duties.* The Committee shall review all the Department of Housing and Urban Development's contract documents pertaining directly or indirectly to construction. This review will include, but not be limited to, such documents as construction contracts, building loan agreements, and performance and payment bonds. The Committee shall make recommendations to the Secretary on the extent to which the Department's construction documents must be revised to insure consistency among documents and from program to program, as well as to correct technical flaws and inadequacies within each document.

Section 4. *Membership.* The Committee shall be composed of no more than nine members. All members shall be persons with considerable experience in construction law with particular emphasis in the field of government procurement. The members will be selected on the basis of personal experience and expertise and not as representatives of any groups affected by the operation of HUD programs since the work of the Committee is purely technical and will not involve policy considerations.

Section 5. *Appointments.* The Committee members shall be appointed by the Secretary to serve a term of 12 months from the effective date of the charter. Members shall serve at the pleasure of the Secretary.

Section 6. *Chairperson.* The Chairperson shall be appointed by the Secretary. The Chairperson is responsible for:

a. Establishing the informal organization of the Committee and appointing such subcommittees as deemed necessary;

b. Developing, with the advice and consent of the Committee, procedures for its effective and efficient operation;

c. Ensuring that procedures for public participation in Committee meetings are established in accordance with the FACA;

d. Taking such other actions as may be required to facilitate the discharge of Committee duties.

Section 7. *Committee Organization.* The organization and agenda of the Committee will be established at the first full meeting of the Committee on Contract Document Reform. Once established, the organization of the Committee may be modified when deemed appropriate by the Chairperson. Any subcommittees appointed by the Chairperson shall be subordinate and advisory to the full Committee. Such subcommittees may meet at such times and places as the subcommittee Chairperson has approved for the performance of Committee business. The results of all subcommittee meetings shall be reported to the full Committee for its review.

Section 8. *Meetings.* The Committee will meet at least once a month for its duration unless the Committee chairperson chooses to call special meetings. The Committee and any of its subcommittees shall convene under the following conditions:

a. A notice of each Committee or subcommittee meeting shall be published in the **Federal Register** at least 15 days in advance of the meeting. Shorter notice is permissible in cases of emergency, but the reason for such emergency must be reported in the notice.

b. Detailed minutes of each meeting of the Committee shall be kept, and their accuracy certified to by the Committee Chairperson and submitted to the Secretary of HUD and filed with the Departmental Committee Management Officer. The minutes shall include:

(1) The time and place of the meeting;

(2) A list of Committee members and staff and agency employees present at the meeting;

(3) A complete summary of matters discussed and the conclusions reached;

(4) Copies of all reports received, issued or approved by the Committee;

(5) A description of the extent to which the meeting was open to the public;

(6) A description of public participation, including a list of members of the public who attended the meeting.

c. An employee designated by the Secretary, or his designee, will attend every meeting of the Advisory Committee. The designated employee, or his designee, must call, or approve of, each meeting and is authorized to adjourn any Committee meeting whenever he determines that adjournment is in the public interest.

Section 9. *Support Services.* The Assistant Secretary for Housing—Federal Housing Commissioner shall, to the extent permitted by law and subject to the availability of funds, provide the Committee with such administrative services, funds, facilities, staff and other support as may be necessary for the effective performance of its functions.

Section 10. *Estimated Support and Cost.* The Department estimates that the operating cost of the Committee will not exceed $15,000. This does not include staff support costs which are estimated to be one-quarter staff year.

Section 11. *Travel and Compensation.* Members of the Committee will serve without compensation, but are entitled to be paid for travel and subsistence in the performance of duties on an actual expense basis, as authorized by 5 U.S.C. 5703(b).

Section 12. *Reports.* The committee shall submit a written report to the Secretary, describing its membership, functions and actions prior to its termination. The Committee shall submit other written reports from time to time to the Secretary containing its recommendations and findings.

Section 13. *Expiration.* The Committee established under this Charter shall terminate 12 months after the charter is filed unless sooner extended.

Dated: April 6, 1983.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 83-20456 Filed 7-27-83; 8:45 am]

BILLING CODE 4210-27-M

[Docket No. N-83-1270]

National Manufactured Home Advisory Council

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

ACTION: Notice: Meeting of National Manufactured Home Advisory Council.

SUMMARY: This Notice announces a meeting of the National Manufactured Home Advisory Council. The meetings will be held on September 28, 29 and 30, 1983.

FOR FURTHER INFORMATION CONTACT: Janice Ligon, Office of Manufactured Housing and Construction Standards, HUD, 451 7th St., SW., Room 3236, Washington, D.C. 20410; Telephone (202) 755-5210. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The National Manufactured Housing Construction and Safety Standards Act of 1974 (hereinafter "the Act"), 42 U.S.C. 5401 et seq., requires the Secretary of the Department of Housing and Urban Development to establish Federal construction and safety standards for manufactured homes. The Act also requires that the Secretary appoint a National Manufactured Home Advisory Council composed of twenty-four members. The membership of the Council is selected equally from each of the following categores: (a) The manufactured home industry and related groups, including at least one representatives of small business; (b) consumer organizations, community organizations, and recognized consumer

leaders; and (c) government agencies including Federal, State and local governments. The purpose of the National Manufactured Home Advisory Council is to advise the Department, to the extent feasible, prior to the establishment, amendment or revocation of any manufactured home construction and safety standard.

In accordance with the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a)(2), announcement is made of the following meeting:

The National Manufactured Home Advisory Council will meet on September 28, 29 and 30, 1983. The meetings are open to the public and will convene at 9:00 a.m. on Wednesday, September 28, 1983, at the Department of Housing and Urban Development, Departmental Conference Room, room 10233, 451 7th Street, SW., Washington, D.C. 20410.

The Advisory Council will discuss and evaluate proposed revisions to the Federal Manufactured Home Construction and Safety Standards. Revisions to the Federal Standards are being proposed in the areas of fire and wind safety, structural system performance, energy, and transportation to improve the safety, quality and durability of manufactured homes.

The final agenda will be available at the meeting. Inquiries concerning the agenda may be made after August 31, 1983, by contacting the Office of Manufactured Housing and Construction Standards, HUD, at (202) 755-5210.

(National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5404; and Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a)(2)

Dated: July 21, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-20455 Filed 7-27-83; 8:45 am]

BILLING CODE 4210-27-M

Office of the Secretary

[Docket No. D-83-702]

Delegation of Authority for Mortgage Sales; Assistant Secretary for Housing—Federal Housing Commissioner

AGENCY: Office of the Secretary, HUD.

ACTION: Delegation of authority.

SUMMARY: The Secretary of Housing and Urban Development is delegating authority to the Assistant Secretary for Housing—Federal Housing Commissioner to effectuate the sale of HUD-held purchase money mortgages and deeds of trust.

EFFECTIVE DATE: Retroactive to March 1, 1982.

FOR FURTHER INFORMATION CONTACT: Charles J. Bartlett, Office of General Counsel, U.S. Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, (202) 755-7090. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Secretary, through the Office of the Assistant Secretary for Housing, intends to enter into contracts with other entities or individuals for the sale and closing of multifamily purchase money mortgages and deeds of trust. To facilitate the mortgage sales and closings, the Secretary's authority pursuant to Section 7(i)(3) of the Departmental Act to, among other things, sell purchase money mortgages, execute all necessary documentation and take other reasonable actions to effectuate such sales is being delegated to the Assistant Secretary for Housing. This authority is being made retroactive to March 1, 1982. By Notice published March 16, 1971 (36 FR 5005), the Assistant Secretary was delegated the Secretary's authority under Title II of the National Housing Act, 12 U.S.C. 1701 et seq., including the authority to sell mortgages which have been assigned to the Secretary pursuant to Section 207 of the National Housing Act.

Authority Delegated. The Assistant Secretary for Housing is authorized to exercise the power and authority of the Secretary as follows:

To perform the functions of the Secretary under Section 7(i)(3) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(i)(3), concerning the sale, exchange, or lease of real or personal property and the sale or exchange of securities or obligations with respect to any multifamily project.

(Secretary's authority to delegate is pursuant to Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: July 21, 1983.

Joan J. Knapp,

Acting Secretary of Housing and Urban Development.

[FR Doc. 83-20454 Filed 7-27-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Environmental Impact Statement on the Bristol Bay Cooperative Management Plan, Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The cooperative management plan for the Bristol Bay region (28.2 million acres) of southwestern Alaska as defined by the Alaska National Interest Lands Conservation Act (ANILCA) evaluates five land use alternatives including no action. These range from development-oriented to preservation-oriented alternatives. The preferred alternative provides for the conservation and protection of significant fish, wildlife and cultural resources while still allowing opportunities for moderate economic growth and development. In general, oil and gas leasing can occur in selected tideland (approximately 600 thousand acres) and upland areas, mineral entry will be prohibited in designated andromous streams and their tributaries, small-scale hydroelectric projects will be allowed and 13,250 acres of state land will be made available for remote settlement.

This notice informs the public that the EIS is available, and provides information about how to obtain a copy of the document and about associated public hearings.

DATES: Written comments are requested by September 20, 1983. Public hearings will be held in Dillingham, on August 13 at 2:00 p.m., and in Anchorage, on August 31 at 7:00 p.m. Public meetings to receive comments will also be held in Quinhagak, Platinum, Goodnews, Togiak, Twin Hills, Monokotak, Aleknagik, Clark's Point, Edwok, New Stuyahok, Koliganek, Igiugig, Kokhanok, Pedro Bay, Levelock, Newhalen/Iliamna, Nondalton, Naknek, South Naknek, Egegik, Pilot Point, Port Heiden, Nelson Lagoon, Cold Bay, False Pass, Chignik, Chignik Lake, Perryville, Ivanof Bay, Sand Point and King Cove, Alaska, during the period from August 8 to August 31, weather permitting. Dates, times and locations of the meetings are not currently available but will be advertised in the local area.

ADDRESSES: Comments should be addressed to Dave Simpson, Alaska Land Use Council, 1689 C Street, P.O. Box 120, Anchorage, Alaska 99510-0120. The address of the Anchorage public meeting is the Old Federal Building and U.S. Courthouse, Fourth and G Streets, and the Dillingham meeting will be held in the Senior Citizens Center.

FOR FURTHER INFORMATION CONTACT: John Kurtz, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503 (907-786-3355).

Individuals wishing copies of the EIS for review should contact the above

individual. Copies have been sent to all agencies and to all others who have already requested copies, and summaries have been sent to individuals who participated in the scoping process.

SUPPLEMENTARY INFORMATION: The Fish and Wildlife Service has prepared a draft EIS on the proposed Bristol Bay Cooperative Management Plan. The plan has been developed jointly by the Fish and Wildlife Service, Alaska Department of Natural Resources, Bureau of Land Management, Alaska Department of Fish and Game, Bristol Bay Borough, Aleutians East Coastal Resource Area, Bristol Bay Coastal Resource Service Area and Native Interests. To ensure that development would occur in an environmentally sound manner, the preferred alternative would provide for the implementation of management guidelines to govern certain types of activities in site-specific locations, the closure of environmentally sensitive areas, and other such restrictions. Large-scale agriculture, grazing and timber operations would be discouraged on public lands. Should a route be needed, three trans-Alaska Peninsula transportation corridors are identified and a road from King Cove to Cold Bay is proposed. Local small-scale energy systems would be allowed, and the Alaska Power Authority is encouraged to continue its studies of the economic feasibility and environmental impacts of regional systems, including the sites on the Newhalen and Tazimina Rivers. Oil and gas leasing would be prohibited in the Black Hills caribou calving ground, and the state would not schedule oil or gas lease sales on tidelands from Quinhagak to Cape Menshikof or in major bays, estuaries and lagoons south of Cape Menshikof.

The vast majority of state and Bureau of Land Management lands are open to mineral entry; however, under the preferred alternative, designated anadromous streams and their tributaries will be closed to new mineral entry. The Alaska Department of Natural Resources will make available 13,250 acres of land for remote settlement, primarily near Dillingham and Iliamna Lake.

This plan is being developed to satisfy the needs and concerns expressed by residents of the region and state about how protection and development of the resources could occur concurrently. This concern became readily apparent with the inclusion of Section 1203 in ANILCA which also requires the completion of this cooperative management plan.

The preferred alternative is estimated to cause minor impacts on moose populations and moderate impacts on salmon, waterfowl, brown bear, and caribou populations. There also could be moderate adverse impacts on cultural resources and on subsistence.

The No Plan (no action) Alternative, reflects the probable growth and development in the Bristol Bay region without a single, cooperatively generated plan. Generally, the impacts associated with this alternative are major.

Alternative Two provides maximum fish and wildlife population and habitat protection by heavily restricting opportunities for development, such as limiting oil and gas exploration and development to certain upland areas. Only minor adverse impacts are expected from this alternative.

Compared to the proposed plan, Alternative Three represents an increase in the level of development activity for mineral entry, oil and gas activity and remote settlement, but is still more restrictive than Alternative Four. Brown bear, waterfowl, sea birds, and moose are all expected to decline at moderate levels while major impacts to caribou, marine mammals, subsistence and recreation could occur.

Alternative Four provides for accelerated economic growth and diversity through maximum opportunities for mineral development, settlement, and oil and gas exploration and development. Most wildlife could experience major population impacts. Cultural resources could suffer major impacts and significant loss while recreation and subsistence could also be subjected to major adverse impacts.

Other government agencies and many members of the general public contributed to the preparation of the EIS. The Notice of Intent to prepare this EIS was published in the October 29, 1981, **Federal Register** (46 FR 53528). As part of the scoping process, letters were sent to each mayor, village council and village corporation president. Additionally, thousands of other letters were sent to all people, corporations, organizations and agencies which could be identified as having an interest. Radio announcements, newspaper ads and a one-half hour TV program, beamed twice over the state satellite system rounded out the initial public information state. During the next phase, public meetings were held in 17 Alaskan communities during the period of November 1981 through January 1982, to determine which issues were of significance to the local resident. During the early planning period, working groups consulted with various experts to confirm and correct data. Then, after preliminary alternatives had been developed, but prior to any selection of a preferred alternative, planners visited 31 communities in January and February 1983, to solicit further input. Throughout the effort large-scale mailings have advised the public of the progress being made and requested comments or suggestions.

All agencies and individuals are urged to provide comments and suggestions for improving this EIS as soon as possible. All comments received by the date given above will be considered in preparation of the final EIS for this proposed action.

Bruce Blanchard,

Director, Office of Environmental Project Review.

Robert A. Jantzen,

Director, Fish and Wildlife Service.

[FR Doc. 83-20333 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

Availability of Planning Criteria; Montana

July 21, 1983.

Planning Criteria for Garnet Resource Management Plan (RMP), Garnet Resource Area, Missoula, Montana.

In accordance with 43 CFR 1610.2, notice is hereby given of the availability of the Planning Criteria to direct the Garnet Resource Management Plan (RMP) in the Garnet Resource Area.

The Garnet Resource Area of the Bureau of Land Management has prepared proposed Planning Criteria to direct this planning effort. The Plan will involve the public lands located in Missoula, Granite, and Powell Counties and will carry out the requirements of the Federal Land Policy and Management Act (FLPMA) of 1976. Scheduled completion date for the Garnet RMP is September 30, 1985.

As new information surfaces during the planning process, including information from public input, changes may be made or additional Planning Criteria may be developed for future guidance of this planning effort.

The proposed Planning Criteria are available for review at the following locations: Garnet Resource Area Office, 715 Kensington Avenue, Missoula, Montana 59801, (406) 329-3686; and Butte District Office, 106 North Parkmont, Butte, Montana 59702 (406) 494-5059.

Any written comments on the proposed Planning Criteria should be

submitted to the Garnet Resource Area Office by September 15, 1983.

For further information, or if requesting written copies of Proposed Planning Criteria, contact David Baker at the Garnet Resource Area Office.

Kannon Richards,

Acting State Director.

[FR Doc. 83-20474 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-84-M

Roswell District Grazing Advisory Board; Meeting

Summary: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Roswell District Grazing Advisory Board.

Date: August 24, 1983, beginning at 10:00 a.m. A public comment period will be held at 2:00 p.m.

Address: Roswell Inn, 1815 N Main Street, Roswell, New Mexico.

For further information contact: Richard Bastin, Associate District Manager or Hans Stuart, Public Affairs Specialist, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201 (505) 622-7670.

Supplemental information: Agenda items scheduled for the meeting are: (1) Status of range improvements scheduled for Fiscal Year 1983; (2) Range Improvement projects proposed for Fiscal Year 1984; (3) Proposed changes in BLM grazing regulations; (4) Status of Roswell District Land Use Plan.

The meeting is open to the public. Interested persons may make oral statements to the board during the public comment period or may file written statements. Anyone wishing to make an oral statement should notify the District Manager by August 19, 1983. Summary minutes will be maintained in the District Office and will be available for public inspection during regular business hours within 30 days following the meeting. Copies will be available for the cost of duplication.

Richard Bastin,

Associate District Manager, Roswell, New Mexico.

[FR Doc. 83-20486 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-84-M

Safford District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Safford District Grazing Advisory Board will be held on Friday, August 26, 1983.

The meeting will begin at 9:00 a.m. in the Conference Room of the Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546.

The agenda for the meeting will include:

1. Recommendations from the Board on proposed wilderness areas;
2. Criteria for selecting candidates for cooperative management agreements (CMAs);
3. Proposed Range Improvement projects for Fiscal Year 1984;
4. New and revised allotment management plans proposed for Fiscal Year 1984;
5. BLM management update;
6. Business from the floor.

The meeting will be open to the public. Interested persons may make oral statements to the Board between 10:00 a.m. and 11:00 a.m. A written copy of the oral statement may be required to be provided at the conclusion of the presentation. Written statements may also be filed for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546, by 4:15 p.m., Thursday, August 25, 1983.

Summary minutes of the Board Meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within thirty (30) days following the meeting.

Dated: July 20, 1983.

Lester K. Rosenkrance,

District Manager.

[FR Doc. 83-20467 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-84-M

Salem District Bureau of Land Management, Salem District Advisory Council; Meeting

Notice is hereby given in accordance with Section 309 of the Federal Land Policy and Management Act of 1976 that a field trip meeting of the Salem District Advisory Council will be held on August 19 and 20, 1983, commencing at 2:00 p.m., August 19 at the BLM Salem District Office, 1717 Fabry Road S.E., Salem, and concluding at the same location at 3:00 p.m., August 20.

Agenda for the meeting will include:

August 19

1. Briefing on purpose of field trip.
2. Oral comments from the public.
3. Field trip to Yaquina Head Outstanding Natural Area to discuss the proposed management of the area.

August 20

1. Field trip will continue through the western portion of the District to observe multiple-use management activities on BLM managed lands.

The public is invited to join the Council at any point during the field trip. An itinerary of stops is available at the Salem District Office. Any organization, associations or individual may file a statement or appear before the council regarding topics on the meeting agenda. Anyone wishing to make an oral statement must notify the Salem District Manager, P.O. Box 3227, Salem, Oregon 97302, by August 15. Summary minutes will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: July 21, 1983.

John D. Evans,

Associate District Manager.

[FR Doc. 83-20485 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial Numbers: A 17000-I (Partial), A 17000-J (Partial), A 17000-W (Partial), A 17000-Y (Partial)]

Arizona; Classification of Public Lands for State Indemnity Selection

1. The Arizona State Land Department has filed a letter of intent to acquire and a petition for classification and application to acquire the lands described in paragraph 5 below, under the provisions of the Act of June 10, 1910 (36 Stat. 557), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. These applications have been assigned serial numbers A 17000-I, A 17000-J, A 17000-W, and A 17000-Y. This notice applies to portions of the total applications.

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer will be held to be classified 60 days from date of publication of this notice in the **Federal Register**. Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and Section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Manager, Yuma District Office, Bureau of Land Management, P.O. Box 5680, Yuma, Arizona 85364 (602-726-6300).

4. For a period of 60 days from the date of publication of this notice in the **Federal Register**, all persons who wish

to submit comments on the above classification may present their views in writing for consideration to the Yuma District Manager, Bureau of Land Management, P.O. Box 5680, Yuma, Arizona 85364. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this classification are located in Yuma, La Paz, and Mohave Counties, Arizona, and are described as follows: (footnotes correspond to numbered authorized users or applicants listed in Paragraph 6).

Application A 17000–I (Partial)
Application A 17000–J (Partial)
Application A 17000–W (Partial)
Application A 17000–Y (Partial)

Gila and Salt River Meridian, Arizona

T. 5 S., R. 21 W.

Section 17, All [1, 2]

Section 18, Lots 1, 2, 3, & 4, E½, E½W½ [1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20]

Section 19, lot 4, E½, NE¼NW¼ [1, 2, 3, 4, 6, 7, 8, 9, 10, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76]

Section 20, All [1, 2, 3, 4, 9, 10]

Section 29, N½ [4, 6, 7, 8, 9]

Section 30, lot 1, N½NE¼, W½SW¼, N½NE¼SW¼, N½NW¼SE¼, E½SE¼ [1, 2, 3, 4, 6, 7, 8, 10, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97]

Total: Approximately 2,755.80 acres.

T. 5 S., R. 22 W.

Section 13, E½E½, E½W½NE¼, E½E½W½W½NE¼, E½NW¼SE¼, E½E½W½NW¼SE¼, E½W½E½W½NW¼SE¼, W½W½NE¼NW¼NW¼SE¼, E½W½E½W½NE¼, E½NW¼NW¼NW¼SE¼, NE¼SW¼SE¼, E½E½NW¼SW¼SE¼ E½W½E½NW¼SW¼SE¼, E½NE¼, SW¼SW¼ SE¼, E½W½NE¼SW¼SW¼SE¼, N½SE¼SW¼SE¼ [1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32]

Section 24, N½N½NE¼NE¼ [2, 3]

Total: Approximately 275.00 acres.

T. 1 N., R. 23 W.

Section 10, lots 3 & 4 [1, 2, 3, 4]

Section 11, lots 2 & 3 W½SW¼ [1, 2, 3, 3, 4]

Section 15, lots 5, 6, 7 & 8, W½SW¼SE¼ [1, 3, 4, 4]

Section 20, lots 6 & 8 [1, 2, 4, 7]

Section 22, lot 1 [1, 2, 3, 4]

Total: Approximately 377.67 acres.

T. 2 N., R. 22 W.

Section 3, lots 3 & 5 [1, 3, 4]

Section 4, lots 5, 6 & 7, N½SW¼, and SW¼SW¼, all lying south and east of the Colorado River, NW¼SE¼ [1, 2, 3, 4]

Section 5, SE¼ lying south and east of the Colorado River [1, 2, 3, 4]

Section 8, lots 4 & 5, N½NE¼, SW¼NE¼, E½NW¼, W½E½SW¼ all lying south and east of the Colorado River [1, 2, 4, 5]

Section 17, lots 4 & 5, NE¼NE¼ NW¼NE¼, NW¼NW¼NW¼NE¼, S½N½ NW¼NE¼, S½NW¼NE¼ [1, 2, 4]

Section 18, SW¼SE¼ and W½SE¼SE¼ all lying south and east of the Colorado River [1, 2, 4]

Section 19, lots 1, 2, 3, 5 & 6 and the NW¼NE¼ all lying south and east of the Colorado River, lots 7, 8 & 12 [1, 2, 4]

Total: Approximately 977.91 acres.

T. 2 N., R. 23 W.

Section 24, All south and east of the Colorado River [1, 2, 3]

Section 25, lots 5 & 6 south and east of the Colorado River, NE¼ south and east of the Colorado River [1, 2, 3]

Section 35, lot 10 south and east of the Colorado River, lots 4, 7, 8 & 9, SE¼SE¼ [1, 2, 3, 4]

Total: Approximately 410.00 acres.

T. 3 N., R. 21 W.

Section 4, lots 6, 7 & 8, NE¼SW¼, W½SE¼ [1, 2, 3, 3, 4]

Section 5, lots 5, 6, 7 & 8 [1, 2, 3, 4, 5, 4]

Section 6, lots 1, 2, 3, 4 & 5, SW¼NE¼, SE¼NW¼ [1, 2, 3, 4, 5, 4]

Section 19, N½SE¼NW¼, N½SW¼NE¼, N½SW¼SW¼NE¼, SE¼SW¼NE¼, NE¼NW¼SE¼, N½NE¼SE¼SE¼, SE¼NE¼SE¼SE¼ [3]

Total: Approximately 597.33 acres.

T. 3 N., R. 22 W.

Section 10, lot 1 [1, 2, 3, 4, 5, 6, 4]

Section 11, lot 1, SW¼NE¼, E½SW¼, S½N½SW¼SW¼, S½SW¼SW¼, SE¼ [1, 2, 6, 4]

Section 15, lot 15 [1, 2]

Section 21, lots 2, 5, 6 & 9, E½E½ [1, 2, 4, 9, 10, 11]

Section 22, lots 5, 6, 7, 10 & 11, E½SW¼ [1, 2, 3, 9, 10]

Section 27, lots 6, 7, 10 & 11, W½ [1, 2, 4, 4]

Section 28, lots 6, 9, 10 & 13, E½NE¼ [1, 2, 3, 9, 9, 11, 12]

Section 33, lot 3 [1, 2, 8, 12]

Section 34, lots 9, 11, 12 & 14 [1, 2, 8, 12]

Total: Approximately 1,634.28 acres.

T. 4 N., R. 22 W.

Section 36, lots 5, 6 & 7 [1, 2, 3]

Total: Approximately 55.43 acres.

T. 8 N., R. 18 W.

Section 32, S½NE¼SW¼, S½N½SE¼, SE¼SE¼ [1, 2]

Total: Approximately 100.00 acres.

T. 9 N., R. 19 W.

Section 2, W½SW¼SE¼, [1, 2]

Total: Approximately 20.00 acres.

T. 10 N., R. 18 W.

Section 6, lots 8 & 9 west of highway 95. [1, 2, 3, 4, 5, 4]

Total: Approximately 40.00 acres.

T. 10 N., R. 19 W.

Section 22, lot 5 west of highway 95 and NE¼NE¼ west of highway 95. [1, 2, 3, 4, 5, 4]

Total: Approximately 23.00 acres.

T. 11 N., R. 18 W.

Section 22, N½NE¼, SW¼NE¼, N½SE¼NE¼, W½SW¼SE¼NE¼, W½, W½W½NE¼SE¼, W½SE¼, SE¼SE¼. [1, 2, 3, 4, 5, 6, 7, 8, 9, 10]

Total: Approximately 595.00 acres.

T. 15 N., R. 20 W.

Section 33, E½E½NW¼, SE¼NE¼ SE¼NW¼, SW¼SE¼NW¼, E½NE¼ NW¼SW¼, SE¼NW¼SW¼, E½SW¼ SW¼. [1, 2, 3, 4]

Total: Approximately 87.50 acres.

T. 16 N., R. 21 W.

Section 10, SE¼. [1, 2]

Section 14, NW¼NW¼. [2]

Total: Approximately 200.00 acres.

T. 19 N., R. 22 W.

Section 2, lots 3, 5, 6 & 7, SE¼NW¼, SW¼SW¼, E½SW¼. [1, 2, 3, 4, 5, 6, 7, 8, 9]

Total: Approximately 293.31 acres.

T. 20 N., R. 21 W.

Section 30, lots 1, 2, 3, & 4, E½W½. [1, 2, 3]

Total: Approximately 639.28 acres.

T. 20. N., R. 22 W.

Section 12, lot 10. [1, 2, 3, 4]

Total: Approximately 25.71 acres.

T. 21 N., R. 21 W.

Section 30, lot 4, N½NE¼SE¼SW¼, SW¼NE¼SE¼SW¼, W½SE¼SW¼, NW¼SE¼SE¼SW¼, S½, SE¼SE¼SW¼, E½SW¼SE¼, E½NW¼SW¼SE¼, NW¼NW¼SE¼SE¼, NE¼SW¼SW¼SE¼, E½SW¼SW¼SE¼, SE¼SE¼. [1, 2, 3, 4, 5, 6, 7, 8]

Total: Approximately 126.78 acres.

The total acreage described above is approximately 9,258.00 acres.

6. The following corporations, individuals and federal agencies are holders of or applicants for leases, permits, rights-of-way and/or withdrawals on the public lands described in paragraph 5 above.

All withdrawals hereafter listed are either under the jurisdiction of the Bureau of Reclamation, Lower Colorado Regional Office, P.O. Box 427, Boulder City, Nevada 89005 or the Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

Gila and Salt River Meridian

T. 5 S., R. 21 W.

Withdrawals

1. SO 7–2–1902 Temporary Withdrawal Colorado River Survey.

2. SO 1–31–1903 Temporary Withdrawal Colorado River Survey.

3. SO 8–1–1903 Temporary Withdrawal Colorado River Project.

4. SO 3–14–1929 Colorado River Storage Project.

5. EO 8685 Imperial National Wildlife Refuge.

Rights-of-Way

6. Mountain States Telephone and Telegraph Company, AR 032062.

7. Wellton-Mohawk Irrigation & Drainage District, Route 1, Box 19, Wellton, AZ 85346, AR 015042; AR 013932; AR 035821, AR 013931.

8. Yuma County Highway Department, 2703 Avenue B, Yuma, AZ 85364, PHX 086881.

Classification

9. Order 8–24–1959 Classified Contaminated Area.

Concession Contract

10. Fisher's Landing, c/o Star Route 4, Box 45, Yuma, AZ 85364, A 10942.

Cabin Site Permits

11. Walter E. Helling, P.O. Box 2273, Martinez Lake, AZ 85364, Y 0253.

12. Gary Ruby & Joseph L. Ruby, 5931 Howell Street, Apt. 15, La Mesa, CA 92041, Y 0254.

13. Mark H. & Linda Moore, P.O. Box 2216, Martinez Lake, AZ 85364, Y 0255.

14. James E. & Louise T. Wesner, P.O. Box 72111, Martinez Lake, AZ 85364, Y 0256.

15. Michael J. Grisham, P.O. Box 2243, Martinez Lake, AZ 85364, Y 0257.

16. Mrs. Helen Melton, P.O. Box 2234, Martinez Lake, AZ 85364, Y 0258.

17. Gerald W. & Mildred R. Klein, 2101 W. 24th Street, Yuma, AZ 85364, Y 0259.

18. Eugene T. & Evonne D. Yahn, 2005 7th Avenue, Yuma, AZ 85364, Y 0260.

19. Lloyd M. & Norene J. Burkhart, P.O. Box 2135, Martinez Lake, AZ 85364, Y 0261.

20. Charles W. & June C. McGrath, 12857 Jackson Hill Drive, El Cajon, CA 92021, Y 0197.

21. Ross H. Gibson and Thomas Craig Gibson, 11353 Rocoso Road, Lakeside, CA 92040, Y 0198.

22. Howard M. & Dorothy H. Brogles, Star Route 4, Box 45, Yuma, AZ 85364, Y 0199.

23. Mary Ruth Miller and Marilyn Ruth Gramse, 4539 Mataro Drive, San Diego, CA 92115, Y 0200.

24. Norman F. & Geraldine Cady, 83-307 Tourmaline Avenue, Indio, CA 92201,Y 0201.

25. Charles E. Jr. and Lorna S. Payne, P.O. Box 2242, Martinez Lake, AZ 85364, Y 0202.

26. Playa Blanca Corporation, 4150 Voltaire Street, San Diego, CA 92107, Y 0203.

27. Loren C. and Lois June Pratt, Route 1, Box 134, Wellton, AZ 85356, Y 0204.

28. Fred C. and Loraine Crabtree, 4430 Vaquero Lane, Yuma, AZ 85364, Y 0205.

29. Robert R. & Blanca Y. Woodhouse, Route 1, Box 71-H, Roll, AZ 85347, Y 0206.

30. R. F. and Elberta M. Woodhouse, Route 1, Box 74, Roll, AZ 85347, Y 0207.

31. Herbert V. and Helen M. Crabtree, 11549 Legendale Drive, Lakeside, CA 92040, Y 0208.

32. Cecil M. Stout, P.O. Box 72192, Martinez Lake, AZ 85365, Y 0209.

33. Frank M. Ferguson Jr., and James W. Ferguson, 4300 Laguna Dam Road, Yuma, AZ 85364, Y 0210.

34. Dwight Nelson Construction, Inc., 2440 4th Place, Yuma, AZ 85364, Y 0211.

35. Lindsey S. and Dorothy, Suzanne Vandruff, 12122 Rives Avenue, Downey, CA 90242, Y 0212.

36. William W. Vandruff, 17532 Cottonwood, Irvine, CA 92715, Y 0213.

37. Harold H. & Alice M. Johnson, 233 4th Street, Calexico, CA 92231, Y 0214.

38. Ralph F. and Zona Brandt, 2495 4th Place, Yuma, AZ 85364, Y 0215.

39. Kendrick E. & Ada Louise Miller; Kendrick E. Miller II; and Richard Paul Miller, P.O. Box 2264, Martinez Lake, AZ 85364, Y 0216.

40. Marvin B. and Velma Ruth Webb, 172 Lowell Drive, Yuma, AZ 85364, Y 0217.

41. Henry Lee & Evelyn M. Rhodes; and Victor D. Adele, P.O. Box 2246, Martinez Lake, AZ 85364, Y 0218.

42. Mary Ellen Hiltz, 1565 Palomarcos Avenue, San Marcos, CA 92069, Y 0219.

43. Tom L. & Peggy B. Gillenwater, 3855 Coronado, San Diego, CA 92107, Y 0220.

44. Joe McCugh, P.O. Box 2137, Martinez Lake, AZ 85364; and Henry M. & Bobbie J. Rowell, 3244 Dakota Avenue, Costa Mesa, CA 92625, Y 0221.

45. Norman H. & Gertrude S. Edwards, P.O. Box 2176, Martinez Lake, AZ 85364, Y 0222.

46. Richard & Neoma M. Whitmar; Melvin Whitmar; and Dennis Whitmar, P.O. Box 2133, Martinez Lake, AZ 85364, Y 0223.

47. A. B. & Frances M. Longbottom, P.O. Box 72218, Martinez Lake, AZ 85365, Y 0224.

48. James R. & Betty Lou McElhaney, Route 1, Box 99, Wellton, AZ 85356, Y 0225.

49. James M. Shipp & James M. Shipp II, 1103 8th Avenue, Yuma, AZ 85364, Y 0226.

50. Lawrence R. Potter and/or Esther M.; Robert W. Chambers and/or Betty E. Chambers, 6377 Estrella Avenue, San Diego, CA 92120, Y 0227.

51. Mr. & Mrs. Harold G. Lewis; Mr. & Mrs. Michael R. McLoughlin; and Greg Stone, c/o 4414 Alhambra Street, San Diego, CA 92107, Y 0229.

52. Mary H. Gilham, P.O. Box 2141, Martinez Lake, AZ 95364, Y 0229.

53. Edward L. & Mary C. Ashland; Linda B. Dotson; Sharon K. Richards, P.O. Box 72221, Martinez Lake, AZ 85365, Y 0230.

54. Bruce Butcher, 1492 18th Street, Yuma, AZ 85364, Y 0231.

55. Mr. & Mrs. Fielden Weddle, 122 La Siesta Drive, Eloy, AZ 85231, Y 0232.

56. Don W. & Charlotte P. Robinson, 603 Date Avenue, Chula Vista, CA 92010, Y 0233.

57. Richard L. Handcock, 549 May Avenue, P.O. Box 5922, Yuma, AZ 85364, Y 0234.

58. John H. & Dorothy R. Bilkey, P.O. Box 2263, Martinez Lake, AZ 85364, Y 0235.

59. Charles S. Coleman and John W. Ward, 1131 Elmsford Drive, Cupertino, CA 95014, Y 0236.

60. Thomas M. White, 3571 South Glacier Avenue, Yuma, AZ 85364, Y 0237.

61. Otis L. & Jacquelynn L. Gibson, 600 Joey Avenue, El Cajon, CA 92020, Y 0238.

62. Leonard & Helen Ford, P.O. Box 72155, Martinez Lake, AZ 85365, Y 0239.

63. Chester E. and Irene F. Jones, P.O. Box 2252, Martinez Lake, AZ 85364, Y 0240.

64. Clarence E. & Gwynne E. Timmons, Star Route 4, Box 45, Yuma, AZ 85364, Y 0241.

65. Robert B. & Daisy M. Hensley, 1960 9th Avenue, Yuma, AZ 85364, Y 0242.

66. James J. & Evelyn M. Howard, P.O. Box 7226, Martinez Lake, AZ 85365, Y 0243.

67. Dr. Ralph T. and/or Catherine H. Irwin, 728 6th Avenue, Yuma, AZ 85364, Y 0244.

68. Erma M. Lyles and William E. Martin, P.O. Box 2276, Martinez Lake, AZ 85364, Y 0245.

69. Cecil E. & Ruth U. Knowlton, P.O. Box 2187, Martinez Lake, AZ 85364, Y 0246.

70. Don C. Roberts; Kenneth E. Roberts; John C. Roberts, 16201 E. Whittier Blvd., Whittier, CA 90603, Y 0247.

71. Jon & Carolyn Nickerson, Route 1, Box 130, Wellton, AZ 85356, Y 0248.

72. Henry Byron Wynn, 500 E. Country Club Drive, No. 2, Yuma, AZ 85364, Y 0249.

73. Charles V. & Margie L. Castle, P.O. Box 2204, Martinez Lake, AZ 85364, Y 0250.

74. James E. & Wanda L. May, 4474 Cape May Avenue, San Diego, CA 92107, Y 0251.

75. Mrs. Helene Thomas Bennett, P.O. Box 671, Yuma, AZ 85364, Y 0252.

76. Harold F. & Ruby C. Dodds, 210 Shirley Street, Chula Vista, CA 92010, Y 0175.

77. Clarence Philips and Myrtle I. Walker, 1529 11th Avenue, Yuma, AZ 85364, Y 0176.

78. Matilda D. Godfrey and Alvin H. Furrow, 632 2nd Avenue, Yuma, AZ 85364, Y 0177.

79. Russel P. & Lillian E. Wise, P.O. Box 2293, Martinez Lake, AZ 85364, Y 0178.

80. Karen Grinley, 48325 Garbo Drive, Indio, CA 92201, Y 0179.

81. Eleanor H. Wilson and Lynne M. Hennessy, 751 W. Ninth Avenue, Escondido, CA 92025, Y 0180.

82. Ray B. Fritz, P.O. Box 442, San Ysidro, CA 92073, Y 0181.

83. Elbert D. & Winifred Owen, 1469 Echo Park Avenue, Los Angeles, CA 90026, Y 0182.

84. Edwin A. & Margery P. Brule, P.O. Box 2296, Martinez Lake, AZ 85364, Y 0183.

85. Hubert C. & Shirley W. Murdock, and Thomas M. & Lea Howell, P.O. Box 95, Roll, AZ 85347, Y 0184.

86. Earl & Pattie A. Mohler, 3440 Aliso Drive, Bonita, CA 92002, Y 0185.

87. Estate of J. R. George, c/o Bruce Yancey, 200 2nd Avenue, Yuma, AZ 85364, Y 0186.

88. Theodore C. & Evelyn S. Newman, 1635 Vista Way, El Cajon, CA 92020, Y 0187.

89. Robert A. & Mary I. Plumley and Sebastian Wolf and Claudia Hingebeld, P.O. Box 2247, Martinez Lake, AZ 85364, Y 0188.

90. Ralph & Florence Walker, Route 3, 4036 Dogwood, Kenai, Alaska 99611, Y 0189.

91. Robert E. Griffin Jr. and Mary E. Griffin, P.O. BOx 2505, Rancho Santa Fe, CA 92067, Y 0190.

92. Guy W. & Terri A. Wise, 3916 El Canto Drive, Spring Valley, CA 92077, Y 0191.

93. John M. Manry, 11392 High Ranch Road, Lakeside, CA 92040, Y 0192.

94. Juanita C. Williams, P.O. Box 72171, Martinez Lake, AZ 85365, Y 0193.

95. Dennis & Sandra Larson, 11389 High Ranch Road, Lakeside, CA 92040, Y 0194.

96. Donald D. & Cheryl A. Hays, Route 1, Box 85-A, Rol, AZ 85347, Y 0195.

97. John E. Troseth, 9717 Ramsgate Way, Santee, CA 92071, Y 0196.

Cooperative Agreement

98. U.S. Department of the Army, Yuma Proving Ground, Yuma, AZ 85364, Y 0359

T. 5 S., R. 22 W.

Withdrawals

1. EO 8685 Imperial National Wildlife Refuge.

2. SO 10-22-1919 Yuma Project.

3. SO 3-14-1929 Colorado River Storage Project.

Rights-of-Way

4. Mountain States Telephone & Telegraph Co., 3033 N. 3rd Street, Room 806A, Phoenix, AZ 85012, AR 032062.

5. Wellton-Mohawk Irrigation & Drainage, District, Route 1, Box 19, Wellton, AZ 85346, AR 015042.

6. Yuma County Highway Department, 2703 Avenue B, Yuma, AZ 85364, PHX 086881.

Cooperative Agreement

7. U.S. Department of the Navy, Marine Corps Air Station, Yuma AZ 85364, Y 0159.

Cabin Site Permits

8. Lowell H. & Doris M. Elliot, Box 2142, Martinez Lake, AZ 85364, Y 0262.

9. Mrs. Syble Kryger, 2350 W. 24th Street, Yuma, AZ 85364, Y 0263.

10. Robert L & Shirley A. Kinley, P.O. Box 72294, Martinez Lake, AZ 85365, Y 0264.

11. Charles P. Kennedy, 114 E. California, Vista, CA 92083, Y 0265.

12. Alice Boyden, P.O. Box 2115, Martinez Lake, AZ 85364, Y 0266.

13. Clarence F. & Dorothy L. Nuckols, Box 109, Jamul, CA 92035, Y 0267.

14. William L. & Loreeta M. Cox, P.O. Box 35176, Tucson, AZ 85740, Y 0268.

15. Dan & Elia L. O'Hara, 700 W. Buena Vista, La Habra, CA 90631, Y 0269.

16. Rose E. Omohundro, 25516 Cypress Street, Lomita, CA 90717, Y 0270.

17. H. J. and/or Katharina Meany, 21 Buggy Whip Drive, Rolling Hills, CA 90274, Y 0271.

18. J. C. & Marie Hunter, P.O. Box 72206, Martinez Lake, AZ 85365, Y 0272.

19. B. Harlan & Vera C. Fike, P.O. Box 72157, Martinez Lake, AZ 85365, Y 0273.

20. Charles H. Holenda & Miss Deborah Ann Holenda, 573 Downer Avenue, El Cajon, CA 92020, Y 0274.

21. Robert & Jane Steinberg, Box 72271, Martinez Lake, AZ 85365, Y 0275.

22. Macey L. Jr. & Vonnie Lou McMillin, 30th & B. Street, National City, CA 92050, Y 0276.

23. Jack & Sandra Braden, P.O. Box 63, Litchfield, CA 96117, Y 0277.

24. Citizens Title & Trust, as Trustee under Trust 95 c/o Henry Schechert, 12486 Foothill Blvd., Yuma, AZ 85365, Y 0278.

25. Charles R. & Donna C. Dillon, 3755 Linden, Long Beach, CA 90807, Y 0279.

26. William J. & Orva E. Hudson, 3211 California Street, Huntington Beach, CA 90255, Y 0280.

27. Dr. Raymond & Ruth M. Conway, 450 W. 23rd Street, Yuma, AZ 85364, Y 0281.

28. R. Walter & Celia F. Fleisher, 1050 Chalcedony Street, San Diego, CA 92109, Y 0282.

29. Robert N. and/or Davey H. Cooper, Box 72158, Martinez Lake, AZ 85365, Y 0283.

30. Robert W. & Betty E. Chambers; William F. & Christina D. Chambers, 3304 Trumbull Street, San Diego, CA 92106, Y 0284.

31. James S. & Patricia C. Umphreys, Box 2278, Martinez Lake, AZ 85364, Y 0285.

32. L. F. & Virginia C. Tinker, 1455 East Road, La Habra, CA 90631, Y 0286.

T. 1 N., R. 23 W.

Withdrawals

1. SO 1-31-1903 Temporary Withdrawal Colorado River Survey.

2. SO 2-19-1929 Colorado River Storage Project.

Grazing Lessees

3. Anita W. Williams and Juanita W. Loomis, c/o Juanita W. Loomis, 2150 Avenue A, Apt. 54, Yuma, AZ 85364.

4. Lewis C. Bishop, P.O. Box 111, Ehrenberg, AZ 85334.

Range Improvement

5. Juanita W. Loomis; Fence; No. 0604.

Oil and Gas Lease

6. Robert P. Kunkel, 757 Northcliffe Drive, Salt Lake City, Utah 84103, A 17129; A 17131.

Rights-of-Way

7. Emma Cruz, c/o Bureau of Reclamation, 2400 Valley Bank Center, Phoeniz, AZ 85073, A 17884; A 17885.

T. 2 N., R. 22 W.

Withdrawals

1. SO 1-31-1903 Temporary Withdrawal Colorado River Survey.

2. SO 2-19-1929 Colorado River Storage Project.

Rights-of-Way

3. Southern California Edison Company, P.O. Box 410, Long Beach, CA 90801, A 9878.

Grazing Lessee

4. Anita W. Williams and Juanita W. Loomis, c/o Juanita W. Loomis, 2150 Avenue A, Apt. 54, Yuma, AZ 85364.

Oil and Gas Lease

5. Robert P. Kunkel, 757 Northcliffe Drive, Salt Lake City, Utah 84103, A 17129.

T. 2 N., R. 23 W.

Withdrawals

1. SO 1-31-1903 Temporary Withdrawal Colorado River Survey.

2. SO 2-9-1929 Colorado River Storage Project.

Grazing Lessee

3. Anita W. Williams and Juanita W. Loomis, c/o Juanita W. Loomis, 2150 Avenue A, Apt. 54, Yuma, AZ 85364.

Oil and Gas Lease

4. Robert P. Kunkel, 757 Northcliffe Drive, Salt Lake City, Utah 84103, A 17129.

T. 3 N., R. 21 W.

Withdrawal

1. SO 1-31-1903 Temporary Withdrawal Colorado River Survey.

Rights-of-Way

2. Arizona Department of Transportation, 205 South 17th Avenue, Phoenix, AZ 85008, PHX 079556.

3. American Telephone & Telegraph Company, 74 New Montgomery Street, San Francisco, CA 94119, PHX 083392.

4. Southwestern Telephone Company, P.O. Box 238, Salome, AZ 85348, A 8829.

Grazing Lessee

5. Anita W. Williams and Juanita W. Loomis, c/o Juanita W. Loomis, 2150 Avenue A, Apt. 54, Yuma, AZ 85364.

T. 3 N., R. 22 W.

Withdrawals

1. So 1-31-1903 Temporary Withdrawal Colorado River Survey.

2. SO 2-19-1929 Colorado River Storage Project.

Rights-of-Way

3. Continental Telephone Company of California, 400 E. Rice Street, Blythe, CA 92225, A 11567.

4. Arizona Public Service Company, P.O. Box 21666, Phoenix, AZ 85036, A 11634.

5. Ehrenberg Improvement Association, P.O. Box 315, Ehrenberg, AZ 85334, A 10759.

6. American Telephone & Telegraph Company, 74 New Montgomery Street, San Francisco, CA 94119, PHX 083392.

7. Arizona Department of Transportation, 205 South 17th Avenue, Phoenix, AZ 85007, AR 030099.

Grazing Lessee

8. Anita W. Williams and Juanita W. Loomis, c/o Juanita W. Loomis, 2150 Avenue A, Apt. 54, Yuma, AZ 85364.

Oil and Gas Lease Application

9. Joe Lyon Jr., 600 E. Capitol Street, Salt Lake City, Utah 84103, A 17174.

Agricultural Leases

10. Jamar Produce Corporation, c/o Hershcopf & Stevenson, Attorneys at Law, 230 Park Avenue, New York, NY 10169, 4A-2(A).

Agricultural Trespass

11. Joe Reitman, 411 Camino de Encanto, Redondo Beach, CA 90277, 4A-3A.

12. George E. Van Horn, P.O. Box 111, Blythe, CA 92225, 4A-5A.

T. 4 N., R. 22 W.

Withdrawal

1. SO 1-31-1903 Temporary Withdrawal Colorado River Survey.

Right-of-Way

2. U.S. Department of Interior, Bureau of Indian Affairs, Colorado River Agency, Parker, AZ 85344, AR 020123.

Grazing Lessee

3. Anita W. Williams and Juanita W. Loomis, c/o Juanita W. Loomis, 2150 Avenue A, Apt. 54, Yuma, AZ 85364.

T. 8 N., R. 18 W.

Grazing Lessee

1. Keith W. Pierson, Route 1, Box 178, Blythe, CA 92225.

Oil and Gas Lease

2. Marshall R. Young Oil Company, 750 W. Fifth Street, Fort Worth, TX 76102, A 15336.

T. 9 N., R. 19 W.

Right-of-Way

1. U.S. Bureau of Reclamation, Parker Dam Project, P.O. Box 392, Phoenix, AZ 85073, A 7316.

Grazing Lessee

2. Robert H. and James E. Jones, P.O. Box 924, Parker, AZ 85344.

Oil and Gas Lease

3. Western Reserves Oil Company, P.O. Box 993, Midland, TX 79707, A 17473.

T. 10 N., R. 18 W.

Withdrawal

1. SO 10-16-1931 Colorado River Storage Project.

Rights-of-Way

2. Continental Telephone Company of California, 16071 Marjorie Drive, Victorville, CA 92392, AR 033005.

3. U.S. Bureau of Reclamation, Parker Dam Project, P.O. Box 392, Phoenix, AZ 85073, PHX 085708; PHX 080583.

4. Bureau of Indian Affairs, Colorado River Agency, Route 1, Box 9-C, Parker, AZ 85344, A-6929; AR 02975.

5. Arizona Department of Transportation, 206 S. 16th Avenue, Phoenix, AZ 85007, A 18481.

Grazing Lessee

6. Robert H. and James E. Jones, P.O. Box 924, Parker, AZ 85344.

T. 10 N., R. 19 W.

Withdrawals

1. SO 3-14-1929 Colorado River Storage Project.

2. SO 9-8-1903 Temporary Withdrawal Colorado River Survey.

Rights-of-Way

3. Continental Telephone Company of California, 16071 Marjorie Drive, Victorville, CA 92392, AR 033005; A 11568.

4. U.S. Bureau of Reclamation, Parker Dam Project, P.O. Box 392, Phoenix, AZ 85073, PHX 085708; PHX 080583.

5. Bureau of Indian Affairs, Colorado River Agency, Power Section, Route 1, Box 9-C, Parker, AZ 85344, AR 02975.

Grazing Lessee

6. Robert H. and James E. Jones, P.O. Box 924, Parker, AZ 85344.

T. 11 N., R. 18 W.

Withdrawals

1. SO 1-31-1903 Temporary Withdrawal Colorado River Survey.

2. SO 9-8-1903 Temporary Withdrawal Colorado River Project.

3. SO 6-4-1930 Colorado River Storage Project.

Rights-of-Way

4. Arizona Interstate Stream Commission, c/o J. H. Moeur, Phoenix National Bank Building, Phoenix, AZ, AR 03774.

5. U.S. Bureau of Reclamation, Arizona Projects Office, 2200 Valley Bank Center, Phoenix, AZ 85073, PHX 080802; PHX 080582; A 10987; PHX 082297.

6. Arizona Department of Transportation, 205 South 17th Avenue, Phoenix, AZ 85007, AR 034500; AR 029178.

7. Bureau of Indian Affairs, Colorado River Agency, Power Section, Route 1, Box 9-C, Parker, AZ 85344, AR 02975; A 4308.

8. Arizona Public Service Company, P.O. Box 21666, Phoenix, AZ 85036, A 7433.

9. Moonridge Mountain Estates, c/o James Leneve, 180 Newport Center Drive, Newport Beach, CA 92660, A 16146.

Grazing Lessee

10. Arizona Ranch and Metals Company, c/o Walker Smith, 1518 Walker Bank Building, Salt Lake City, Utah 84111.

T. 15 N., R. 20 W.

Rights-of-Way

1. Southern Union Gas Company, 1800 First International Building, Dallas, TX 75270, AR 035651; AR 035651-A.

2. U.S. Bureau of Reclamation, Davis Dam Project, 2200 Valley Bank Center, Phoenix, AZ 85073, PHX 085193.

3. Citizen's Utilities Rural Company, Inc., P.O. Box 111, Kingman, AZ 86401, PHX 034352; A 7475.

Grazing Lessee

4. Havasu Heights Ranch & Development Company, c/o John R. Snowberger, 1712 Guaranty Bank, Phoenix, AZ 85012.

T. 16 N., R. 21 W.

Rights-of-Way

1. El Paso Natural Gas Company, P.O. Box 1492, El Paso, TX 79978, AR 012038; AR 05556; AR 011040; AR 05531.

2. Citizen's Utilities Rural Company, Inc., P.O. Box 111, Kingman, AZ 86401, A 10890.

T. 19 N., R. 22 W.

Withdrawals

1. SO 7-2-1902 Temporary Withdrawal Colorado River Survey.

2. SO 1-3-1903 Temporary Withdrawal Colorado River Survey.

3. SO 9-8-1903 Temporary Withdrawal Colorado River Project.

Rights-of-Way

4. Arizona Department of Transportation, 205 South 17th Avenue, Phoenix, AZ 85007, A 10107.

5. Citizen's Utilities Rural Company, Inc., P.O. Box 191, Kingman, AZ 86402, A 9238.

6. Mohave County Board of Supervisors, P.O. Box 390, Kingman, AZ 86402, A 17153; A 17153A.

7. Mohave Electric Cooperative, Inc., P.O. Box 711, Kingman, AZ 86401, A 17923.

Grazing Lessee

8. Florence Landon, P.O. Box 142, Glendora, CA 91740.

Reclamation and Public Purposes Lease

9. Mohave County Community College District, 1971 Jagerson Avenue, Kingman, AZ 86401, A 9284.

T. 20 N., R. 21 W.

Rights-of-Way

1. Mohave County Board of Supervisors, P.O. Box 390, Kingman, AZ 86402, A 10781.

2. Mohave Electric Cooperative, Inc., P.O. Box 711, Kingman, AZ 86401, A 1876.

Grazing Lessee

3. Albert Bojorguez, P.O. Box 277, Bullhead City, AZ 86430.

R & PP Lease

4. Bullhead City Fire Department, P.O. Box 56, Bullhead City, AZ 86430, A 17972.

T. 20 N., R. 22 W.

Withdrawal

1. SO 10-16-1931 Colorado River Storage Project.

Rights-of-Way

2. Citizen's Utilities Rural Company, Inc., P.O. Box 191, Kingman, AZ 86402, A 9240; AR 032145.

3. U.S. Bureau of Reclamation, Davis Dam Project, 2200 Valley Bank Center, Phoenix, AZ 85073, A 10139.

4. Mohave Electric Cooperative, Inc., P.O. Box 711, Kingman, AZ 86401, PHX 084184; AR 019345; PHX 083301.

5. Mohave County Board of Supervisors, P.O. Box 390, Kingman, AZ 86402, A 7176; A 035725.

6. Arizona Department of Transportation, 205 South 17th Avenue, Phoenix, AZ 85007, AR 035725.

Grazing Lessee

7. Florence Landon, P.O. Box 142, Glendora, CA 91740.

Reclamation and Public Purposes Lease

8. Mohave County Board of Supervisors, P.O. Box 390, Kingman, AZ 86402, A 3277.

7. Rights-of-way granted by BLM will transfer with the land. Oil and gas leases will remain in effect under the terms and conditions of the lease. State Law and Land Department procedures (R 12-5-154 D Administrative Rules and Regulations, Arizona State Land Department), provide for the offering to BLM grazing permittees the first right to lease lands that are transferred to the State. This constitutes official notice to grazing lessees/permittees that their Bureau of Land Management leases will be terminated in part upon transfer of the land to the State of Arizona.

Dated: July 11, 1983.

J. Darwin Snell,

District Manager, Yuma.

[FR Doc. 83-20462 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-84-M

[A6203 (partial); A6784 (partial); A15985 (partial); A17000-C (partial); A17000-E (partial); A17000-H (partial); A17000-V (partial); A17000-X (partial)]

Classification of Public Lands for State Indemnity Selection; Arizona

1. The Arizona State Land Department has filed a letter of intent to acquire and a petition for classification and application to acquire the lands described in Paragraph 5 below, under the provisions of the Act of June 20, 1910 (36 Stat. 557), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. These applications have been assigned the serial numbers A6203, A6784, A15985, A17000-C, A17000-E, A17000-H, A17000-V, A17000-X.

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory

constraints that would bar transfer. Those lands found suitable for transfer will be held to be classified 60 days from date of publication of this Notice in the **Federal Register**. Classification is pursuant to Title 43, Code of Federal Regulations, Subpart 2400 and Section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Manager, Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 (602-241-2854).

4. For a period of 60 days from the date of publication of this Notice in the **Federal Register**, all persons who wish to submit comments on the above classification may present their views in writing for consideration to the Phoenix District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. As provided by Title 43, Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this classification are located in Maricopa, Yuma, and Yavapai Counties, Arizona and are described as follows: (footnotes correspond to numbered authorized users or applicants listed in Paragraph 6).

A6203 (partial)

T. 11 S., R. 24 W., G&SRM

Section 6: NE¼NW¼SE¼, E½NE¼NW¼NW¼SE¼, SE¼NW¼NW¼SE¼, S½SW¼NW¼NW¼SE¼, S½NW¼SE¼. [1, 2, 12]

35 ± acres.

T. 11 S., R. 25 W., G&SRM

Section 1: SW¼SW¼NE¼, NW¼NE¼SW¼, S½NE¼NW¼SW¼, NW¼NE¼NW¼SE¼, S½NE¼NW¼SE¼, SE¼NW¼SE¼. [1, 12, 13]

42.50 ± acres.

A6784 (partial)

T. 6 N., R. 3 E., G&SRM

Section 34: Lots 10, 15, 17, 19, S½SW¼SE¼NE¼, S½NE¼NW¼SE¼. [3, 4]

Section 36: Lot 48.[2]

33.97 ± acres.

A15985 (partial)

T. 2 S., R. 4 W., G&SRM

Section 32: NW¼NE¼.[5]

40.00 acres.

A17000-C (partial)

T. 8 N., R. 4 W., G&SRM

Section 34: Lot 1. [6, 9, 10]

39.09 acres.

A17000-E (partial)

T. 2 N., R. 5 W., G&RSM

Section 23: W½E½NE¼NE¼NE¼, W½E½E½NE¼, W½E½NE¼, W½E½NE¼SE¼, W½NE¼SE¼, NW¼NE¼SE¼SE¼, NW¼SE¼SE¼, NW¼SW¼SE¼SE¼. [8, 14]

107.50 acres.

A17000-H (partial)

T. 6 N., R. 3 E., G&SRM

Section 35: Lots 20, 25, W½SE¼NW¼SW¼.[4]

14.79 ± acres.

A17000-V (partial)

T. 11 N., R. 2 E., G&SRM

Section 4: S½.[7]

320.00 acres.

A17000-X (partial)

T. 11 N., R. 2 E., G&SRM

Section 4: S½N½.[7]

Section 5: NE¼SE¼NE¼.[7]

T. 12 N., R. 2 E., G&SRM

Section 30: S½NE¼NE¼, SE¼NE¼. [8, 11]

230.00 ± acres.

Total acres involved: 362.85 ± acres.

6. The following listed corporations, agencies, and individuals are holders of leases, withdrawals, permits, and/or rights-of-way on the public lands described in Paragraph 5 above:

Withdrawals

[1] Bureau of Reclamation, 2200 Valley Bank Center, Phoenix, AZ 85073, SO 1/31/1903.

Rights-of-Way

[2] Bureau of Reclamation, Parker Dam Project, 2200 Valley Bank Center, Phoenix, AZ 85073, AR 04859.

[3] Arizona Public Service, P.O. Box 21666, Sta. 3172, Phoenix, AZ 85036, PHX 085401.

Grazing Leases

[4] Willis E. Harper, 9137 Gregg Dr., Chandler, AZ 85224.

[5] Ted Hazen, Box 54, Star Route, Buckeye, AZ 85326.

[6] Robert K and Elizabeth S. Park, Box 1108, Wickenburg, AZ 85358.

[7] Donald E & Helen E O'Beirne, Trust, 1135 E. Vaughn, Tempe, AZ 85238.

[8] Halle Ranch, c/o Bruce Halle, 5068 Horseshoe Road, Paradise Valley, AZ 85251.

Range Improvements

[9] #0933; Fence; Robert K:E.S. Park.

[10] #2011; Fence; Robert K:E.S. Park.

[11] A3-15-569; Fence; Halle Ranch.

Oil and Gas Leases

[12] May Petroleum Inc., 800 One Lincoln Center, Dallas, Texas 75240, A 16947.

[13] Don R. Link, 445 Petroleum Bldg., Denver, Colorado 80202, A 18596.

[14] First Mississippi Corporation, P.O. Box 1249, Jackson, Mississippi 39205, A 14238.

7. Rights-of-way granted by BLM will transfer with the land. Oil and gas leases will remain in effect under the terms and conditions of the lease. State Law and State Land Department procedures (R 12-5-154D Administrative Rules and Regulations, Arizona State Land Department) provide for the offering to holders of BLM grazing permits the first right to lease lands that are transferred to the state. This constitutes official notice to grazing lessees that their Bureau of Land Management leases will be terminated in part upon transfer of the land to the State of Arizona.

Dated: July 21, 1983.

Harold H. Ramsbacher,

District Manager.

[FR Doc. 83-20461 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-84-M

Montana; Redelegation of Authority; July 29, 1983

July 22, 1983.

AGENCY: Bureau of Land Management.

ACTION: Notice of Redelegation of Authority.[1]

SUMMARY: The following Land Actions have been redelegated to the Miles City District Manager (Montana), Lewistown District Manager (Montana), Dickinson District Manager (North Dakota) and the Butte District Manager (Montana):

(1) Grant, renew, modify, reassign or revoke rights-of-way under Title I, Section 28 of the Mineral Leasing Act of 1920, as amended, under the Federal Land Policy Management Act of 1976 and consult with and issue letters of concurrence to the Federal Highway Administration regarding highway grants under Title 23, U.S.C. (Interstate and Defense Highway System);

(2) Issue, modify, renew and substitute leases under the Recreation and Public Purposes Act as amended; and

(3) Authorize use occupancy and development of the public lands through leases, permits and easements under Section 302 of the Federal Land Policy and Management Act of 1976.

EFFECTIVE DATE: August 1, 1983.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, Bureau of Land Management, P.O. Box 36800, Billings, Montana 59107.

Michael J. Penfold,

State Director.

[FR Doc. 83-20486 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-84-M

[1] Redelegation of certain actions covering rights-of-way and permits have been previously redelegated.

Casper District Office, Wyoming; Casper District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Casper District Advisory Council will be held on August 24, 1983.

The meeting will convene at 9:00 a.m. in the conference room of the Casper District Office, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601.

The agenda will include discussion of the Asset Management program, the reorganization and merger with Minerals Management Service, and issues related to the Bozeman Trail.

The meeting is open to the public. Interested persons many make oral statements or file written statements for the Council's consideration.

SUMMARY: Summary minutes of the meeting will be available for public inspection within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601.

Dated: July 19, 1983.

Leslie A. Olver,

Acting District Manager.

[FR Doc. 83-20435 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-84-M

Folsom Resource Area; Bakersfield District; Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: The Bureau of Land Management is in the initial stages of preparing a Coordinated Resource Activity Plan for 7,200 acres of BLM-administered public lands in the Red Hills, located two miles southwest of Chinese Camp in western Tuolumne County, California, within the Folsom Resource Area of the Bakersfield District.

SUPPLEMENTARY INFORMATION: The public meeting will allow input from the public on the management of the Red Hills area. The major issues to be discussed will include the protection of rare plant habitat, unauthorized use, needs for a public shooting range and off-road vehicle area, and the periodic occurrence of wildires. Public comments will be used to develop a specific management proposal for the area. The proposed plan will be available for public review in late September.

DATE: The public meeting will be held at Columbia Junior College on Sawmill Flat Road in Sonora, California, at 7 p.m. on Wednesday, August 31, 1983.

FOR FURTHER INFORMATION CONTACT: Deane Swickard, Folsom Resource Area Manager, 63 Natoma Street, Folsom, California, 95630; (916) 985–4474.

Dated: July 21, 1983.

Rory E. Raschen,

Acting District Manager.

[FR Doc. 83-20460 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-20049]

Idaho; Conveyance of Public Lands, Owyhee County

July 22, 1983.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), a patent was issued to Walter E. Morgan and Grace Morgan, Jordan Valley, Oregon for the following-described public land:

Boise Meridian, Idaho

T. 6 S., R. 5 W.,
Sec. 20, SW¼SW¼SE¼SW¼;
Sec. 28, SW¼SW¼NE¼, S½SE¼ NE¼NW¼, SE¼SW¼NW¼NW¼, NW¼NW¼SE¼;
Sec. 29, NE¼SW¼NE¼, E½NW¼ SW¼NE¼, SE¼NE¼NE¼SE¼.

Containing 47.5 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

Louis B. Bellesi,

Deputy State Director for Operations.

[FR Doc. 83-20444 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-20051]

Idaho; Conveyance of Public Lands; Owyhee County

July 22, 1983.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), a patent was issued to George Johnstone and Juanita Johnstone, Route 1, Box 1144, Homedale, Idaho 83628, for the following-described public land:

Boise Meridian, Idaho

T. 7 S., R. 4 W.,
Sec. 30, W½W½NW¼SE¼.

Containing 10.00 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

Louis B. Bellesi,

Deputy State Director for Operations.

[FR Doc. 83-20445 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-4467]

Idaho; Partial Termination of Proposed Withdrawal and Reservation of Lands

July 22, 1983.

Notice of an application, serial number I-4467, for withdrawal and reservation of lands was published as Federal Register Document No. 71-14612 on page 19446 of the issue for October 6, 1971. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Subpart 2091, such lands will be at 9:00 a.m. on August 29, 1983, relieved of the segregative effect on the above-mentioned application.

The lands involved in this notice of termination are:

Boise Meridian

Boise National Forest

T. 13 N., R. 9 E.,
Sec. 16, W½NE¼SE¼.

The area described aggregates 20 acres in Valley County.

William E. Ireland,

Chief, Lands Section.

[FR Doc. 83-20446 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-84-M

Intent to Prepare Uncompahgre Basin Resource Area Resource Management Plan and Environmental Impact Statement; Schedule for Public Open House Scoping Meetings; Call for Coal Resource Information: Montrose District, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to prepare resource management plan and environmental impact statement and call for coal resource information; Uncompahgre Basin Resource Area, Montrose District, Colorado.

SUMMARY: Pursuant to the Federal Land Policy and Management Act of 1976 and the Code of Federal Regulations (CFR), Title 43, § 1601.3, the Uncompahgre Basin Resource Area of the Montrose District, Colorado, hereby gives notice of its intent to prepare a resource management plan (RMP) and environmental impact statement (EIS) to guide and control future management

actions on the public lands in the resource area. Pursuant to the Federal Coal Management Regulations (43 CFR Part 3400), a call for coal resource information is also being issued.

The plan is scheduled to be completed in 1986 and will cover Public Lands in portions of Delta, Ouray, Gunnison and Montrose Counties. The plan area is bordered on the north by the Gunnison and Grand Mesa National Forests and the Grand Junction Resource Area. It is bordered on the east by the Gunnison and Uncompahgre National Forest and the Gunnison Basin Resource Area. On the south and east it is bordered by the Uncompahgre National Forest. The area to be covered in the plan totals about 870,000 acres, about 58% of which is public land.

The RMP is a comprehensive land use plan which allocates various lands to various uses under the multiple use concept. The RMP will identify goals for resource management, and use levels and measures required to implement management decisions. The RMP will also outline needs for more specific management plans.

Specific issues have not been identified. Issues preliminarily identified to be addressed in the RMP include: (a) Public land sales, disposals, leases, access; utility corridor placement, communication site planning; (b) mineral development (especially coal, oil and gas) and non-energy mineral materials; (c) range, wildlife, and forest management; (d) off-road vehicle use; (e) wilderness recommendations; (f) cultural and scenic management; and (g) recreation management.

DATES: Informal, open house scoping meetings have been scheduled to enable the public, other Federal agencies, local governments, and the BLM to discuss and clarify the above issues and to identify any additional issues that need to be addressed in the RMP. These meetings will be held as follows:

Hotchkiss, CO—August 29, 1983, 2:00–4:00 pm and 7:30–9:00 pm—Band Room, Hotchkiss High School

Delta, CO—August 30, 1983, 2:00–4:00 pm and 7:30–9:00 pm—County Courthouse Annex

Montrose, CO—August 31, 1983, 2:00–4:00 pm and 7:30–9:00 pm—1st floor meeting room, County Courthouse Annex.

ADDRESSES: Written comments regarding issues to be addressed in the RMP will be accepted through November 11, 1983. Coal resource information will be accepted until September 26, 1983. Comments regarding RMP issues should be addressed to Don Lotvedt, Area Manager, Uncompahgre Basin Resource Area, P.O. Box 1269, Montrose, CO 81402, telephone: 303-249-2244. Proprietary coal resource information should be sent to the Assistant District Manager, Division of Minerals, P.O. Box 580, Grand Junction, CO 81502.

SUPPLEMENTARY INFORMATION:

An Interdisciplinary team will be used to analyze identified issues, formulate possible alternatives and to assist in the preparation of the associated EIS. The following disciplines will be included on the interdisciplinary team: geology, realty, recreation, soils, hydrology, wilderness, range, wildlife, forestry, archaeology, fire management, visual quality, socio-economics, and air quality.

Public involvement will be an essential component of the RMP process. Public information meetings will be called as needed and requested. Information will be published to inform the public of planning progress; dates, times, locations of meetings, and the availability of planning documents and related information.

Documents relevant to the planning process will be available at the Uncompahgre Basin Resource Area, 336 South 10th Street, Montrose, Colo., during normal business hours (Monday thru Friday from 7:45 a.m. to 4:30 p.m.).

CALL FOR COAL RESOURCE INFORMATION: Also included in this notice of intent is a call for coal resource information. This call is to ensure that coal lands of interest to industry, state and local governments, and the general public are considered during the land use planning process. The information provided in this call will be used to determine which lands will be considered for development during the land use planning process. Those lands determined to be suitable from the land use planning process will be the lands available for expressions of leasing interest and tract delineation within the Uncompahgre Basin Resource Area in the third and subsequent rounds of leasing in the Uinta-Southwestern Utah Coal Region.

Only lands determined to have coal development potential may be evaluated for coal development during land use planning. The coal resource information provided through this call should include the following information so the development potential can be determined:

1. Location,
2. Statements describing why the lands should be considered for development,
3. Estimate of the amount of coal recoverable and data used to make this determination,
4. Recovery techniques.

Proprietary data marked as confidential may be submitted in response to this call. Data marked as confidential shall be treated in accordance with the laws and regulations governing the confidentiality of such information. Proprietary data should be sent to the Assistant District Manager, Division of Minerals, P.O. Box 580, Grand Junction, Colorado 81502.

An individual, business entity, governmental entity, or public body may participate and submit coal resource information under this call. Coal resource information will be accepted until September 26, 1983.

FOR FURTHER INFORMATION CONTACT: Don Lotvedt, Area Manager, Uncompahgre Basin Resource Area, 336 South 10th Street, Montrose, CO 81401, 303-249-2244.

Dated: July 20, 1983.

Phillip W. Dwyer,

Chief, Administrative Officer, Montrose District.

[FR Doc. 83-20466 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-84-M

Known Leasing Area (Phosphate); Aspen Range, Idaho

July 22, 1983.

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, and Secretary Order Nos. 3071 and 3087, and BLM Instruction Memorandum No. 83-384, the following described lands are deleted from the Aspen Range Known Leasing Area (Phosphate), effective May 2, 1983:

Idaho

Aspen Range Known Leasing Area (Phosphate)

Boise Meridian, Idaho

T. 8 S., R. 43 E.
Sec. 25, $SE^{1/4}SW^{1/4}$, $SW^{1/4}SE^{1/4}$;
Sec. 35, $W^{1/2}NE^{1/4}$, $E^{1/2}NW^{1/4}$, $W^{1/2}SE^{1/4}$.
T. 9 S., R. 43 E.
Sec. 2, Lot 4

The deleted area described contains 360.59 acres, more or less.

A diagram showing the boundaries of the area classified for leasing and the lands deleted from the Aspen Range Known Leasing Area (Phosphate) has been filed with the appropriate office of the Bureau of Land Management. Copies of the diagram may be obtained from the

State Director, Bureau of Land Management, Idaho State Office, 3380 Americana Terrace, Bosie, Idaho 83706.

Larry L. Woodard,

Associate State Director, Idaho.

[FR Doc. 83-20447 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 35893, OR 35894, and OR 35896]

Realty Action Modified Competitive/ Noncompetitive Sale of Public; Land in Lane County, Oregon

The following described parcels of land have been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than the appraised fair market value shown:

Parcel	Legal description	Acreage	Value
1. (OR35893).	T. 16 S., R. 1 W., W.M., Oregon; Sec. 7: Lot 6.	0.82	$250.00
2. (OR 35894).	T. 17 S., R. 1 W., W.M., Oregon; Sec. 6: Lot 2.	0.98	300.00
3. (OR 35896).	T. 16 S., R. 2 W., W.M., Oregon; Sec. 25: Lot 9.	0.03	100.00

Parcels 1 and 2 will be offered for sale, using modified competitive procedures, on October 5, 1983, at 10:00 A.M. The sale will be held at the Bureau of Land Management Conference Room, 1255 Pearl Street, Eugene, Oregon.

The sale parcels are small, irregularly-shaped tracts of timberland completely surrounded by private land. The tracts have been identified as unneeded since, because of their size and configuration, the parcels are difficult and uneconomical to manage as part of the public lands and are not suitable for management by another Federal department or agency. Parcels 1 and 3 are Oregon and California (O&C) revised railroad lands, which have been determined to be not suitable for management and administration for permanent forest protection and other purposes as provided for in the Acts of August 28, 1937, and May 24, 1939. There is no legal public access to any of the three parcels. The sale is consistent with Bureau land use planning and has undergone public review and discussion. The public values of the land have been identified and it has been determined that the public interest will be well served by offering this land for sale. The land will not be offered for sale for at least 60 days after the date of this notice.

Bidding for parcels No. 1 and No. 2 will be restricted to the adjoining landowners. The designated bidders for parcel No. 1 are Ruby Wilkins and James W. and K. I. Paschelke. The designated bidders for parcel No. 2 are Giustina Brothers and the O. Petersen and Sons Land Company. Failure to submit bids for parcels No. 1 and No. 2 by any of the above-named designated bidders shall constitute a waiver of such right. Modified competitive bidding procedures are being used to recognize the needs of the adjoining landowners and to meet Lane County zoning goals for commercial timberland tracts. Such procedures are authorized under Section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713; 43 CFR 2711.3-2).

Parcel No. 3 will be offered by direct sale at the appraised fair market value to Giustina Brothers, the surrounding private landowner. The land will be offered noncompetitively to meet Lane County zoning goals for commercial timberland tracts. Sale of the land to another private party would create a miniscule private inholding that could disrupt the efficient management of the surrounding commercial timberland property. The public interest will be well served by direct sale of the tract, which is authorized under Section 203 of the Federal Land Policy and Management Act as cited above.

The terms and conditions applicable to the sale are:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. All minerals in the land will be reserved to the United States (43 U.S.C. 1719).

3. Patent for parcel No. 1 will be issued subject to transmission line right-of-way reservation OR 36108 to the Bonneville Power Administration.

4. Patent for parcel No. 2 will be issued subject to road right-of-way reservation OR 35026 to the Bureau of Land Management.

5. The sale of parcel No. 1 will be subject to the surface rights of the lessee for oil and gas lease OR 13382.

6. The sale of parcel No. 3 will be subject to the surface rights of the lessee for oil and gas lease OR 13389.

7. The land will be sold subject to valid existing rights of records on the date of conveyance.

8. Upon disqualification of the apparent high bidder, the next high bid will be honored.

9. Those parcels not sold pursuant to this Notice of Realty Action shall be reoffered for sale to the general public at a later date utilizing competitive bidding procedures.

10. Federal law requires that bidders be U.S. citizens or, in the case of a corporation, subject to the laws of any State of the United States.

The sale of parcels 1 and 2 will be conducted by sealed and oral bid. Bids may be made by a principal or by his/her agent. Sealed written bids may be mailed or delivered in person to the Eugene District Office, Bureau of Land Management, 1255 Pearl Street, P.O. Box 10226, Eugene, Oregon 97440. Such bids will be considered only if received by the Bureau of Land Management prior to 10:00 a.m., October 5, 1983. Each written sealed bid must be accompanied by a certified check, postal money order, bank draft or cashiers check made payable to the Bureau of Land Management for not less than one-fifth (20 percent) of the amount of the bid. The sealed envelope must be marked in the lower left hand corner "Public Sale Bid Parcel No. , sale held October 5, 1983." No bid will be accepted for less than the appraised value and bids must include all of the land in the parcel.

The written sealed bids will be opened and publicly declared at the beginning of the sale. If the bidders tie as high bid, the successful bid shall be determined by drawing. The highest qualifying sealed bid on each parcel will determined the base of the oral bidding conducted the day of the sale.

Oral bidding will be entertained after public declaration of the apparent high sealed bidder and all oral bids must be made in increments of $20.00 or more. The highest bid price, either sealed or oral, will be the sale price. Immediately following the close of the sale, the apparent high oral bidder, if any, will be required to submit payment by cash, personal check, bank draft, money order, or any combination thereof, of any additional amount necessary to bring the amount tendered with their sealed bid up to one-fifth of the amount of the oral bid.

The apparent high bidder shall submit the remainder of the full bid price within 30 days from the date of the sale. Failure to submit the full bid price within 30 days shall disqualify the apparent high bidder and the deposit shall be forfeited and disposed of as other receipts of sale.

Refusal or failure of Giustina Brothers to submit the full purchase price for Parcel No. 3 within the time limits specified in the letter offering the tract for direct sale shall constitute a waiver of its preference right.

All bids will be either returned, accepted, or rejected within 30 days of the sale date.

Detailed information concerning the sale, including the planning documents, land report, environmental assessment, and appraisal, is available for review at

the Eugene District Office, 1255 Pearl Street, Eugene, Oregon 97440.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Eugene District Office. Any adverse comments received as a result of this notice or notification to the congressional committees or delegations pursuant to Pub. L. 97-394 will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior. Interested parties should continue to check with the District Office to keep themselves advised of any changes.

Dated: July 22, 1983.

Roland D. Smith,

Acting District Manager.

[FR Doc. 83-20442 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Pacific Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability of environmental documents prepared for proposed oil and gas operations on the Pacific OCS Region.

SUMMARY: The Minerals Management Service (MMS), in accordance with Federal Regulations 40 CFR 1501.4 and 1506.6 that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EAs) and findings of no significant impact (FONSIs), prepared by the Minerals Management Service for the following oil and gas activities proposed on the Pacific OCS Region. This listing includes all proposals for which environmental documents were prepared by the Pacific OCS Region in the 4-month period preceding this notice.

EXPLORATION PLANS

Operator	Location	FONSI Date
Conoco, Inc.	OCS-P 0413 (13 miles West of Pt. Sal, CA).	Apr. 15, 1983.
Chevron U.S.A., Inc.	OCS-P 0478 (13 miles WSW of Ventura, CA).	May 5, 1983.
Chevron U.S.A., Inc.	OCS-P 0217 (10 miles WSW of Ventura, CA).	June 17, 1983.

The documents are available for inspection in the public information room at the Pacific OCS Region office. Persons interested in obtaining information about EAs and FONSIs proposed for activities on the Pacific OCS are encouraged to contact the Minerals Management Service office in the Pacific OCS Region.

FOR FURTHER INFORMATION CONTACT: Regional Supervisor, Field Operations Office, Pacific OCS Region, Minerals Management Service, 1340 West 6th Street, Suite 160, Los Angeles, CA 90017; (213) 688-5093.

SUPPLEMENTARY INFORMATION: The Minerals Management Service prepares EAs and FONSIs for proposals which relate to exploration for oil and gas resources on the Pacific OCS Region. The EAs examine the potential environmental effects of activities described in proposals and present Minerals Management Service's conclusions regarding the significance of those effects. EAs are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA section 102(2)(C). A FONSI is prepared in those instances where the Minerals Management Service finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary of copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Robert G. Paul,

Acting Regional Manager, Pacific OCS Region.

[FR Doc. 83-20441 Filed 7-27-83; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Mines

Revised Table on Prepublication Release of Statistical Information on Metals and Minerals; Availability of Nonfuels Minerals Data

AGENCY: Bureau of Mines, Interior.

SUMMARY: In view of the reorganization of the Bureau of Mines and hence the change in sources of nonfuels minerals data noted herein, a revision of the previous table was indicated. This revision supersedes the table published in 45 FR 25121 on April 14, 1980. The Department of Energy has the responsibility for fuels data collection, analysis, and reporting.

FOR FURTHER INFORMATION CONTACT: Minerals Information: Ivette E. Torres, (202) 634-1188.

SUPPLEMENTARY INFORMATION: In adherence to section 103 on the Budget and Accounting Procedures Act of September 12, 1950 (31 U.S.C. 18b), and the 1978 Statistical Policy Handbook, maintained under authority of Executive Order 12318 of August 21, 1981, this notice provides public announcement of the time when monthly and quarterly data collected and published by the Bureau of Mines can be orally released to the public in response to telephone inquires prior to publication.

The table below lists mineral commodities and indicates the frequency of the release of statistics by the Bureau of Mines, a description of the information contained in the release, the commodity specialist responsible for the report and the specialist's telephone number, and the approximate number of weeks after the reporting period that information can be made available to the public in response to a telephone request.

Reports may be mailed to all persons asking to be placed on the mailing list for the report(s). Requests for individual copies should be addressed to the Branch of Production and Distribution, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213. Requests to receive reports on a recurring basis should be forwarded to the Division of Publication, Bureau of Mines, 4900 La Salle Road, Avondale, Maryland 20782.

Dated: July 22, 1983.

Robert C. Horton,

Director, Bureau of Mines.

TIME OF AVAILABILITY OF MINERALS DATA AND COMMODITY SPECIALISTS WHO CAN BE CALLED BY TELEPHONE FOR SUCH DATA

Name of release	Description of information	Commodity specialist	Periodicity[1] (reference period of data)	Approximate number of weeks after reference period when data are available[2]
Aluminum Report	Primary Aluminum: Production, Imports, and Exports. Secondary Aluminum: Receipts, Consumption, Stocks, Imports and Exports of Scrap. Production, Shipments and Stocks of Alloys.	F. X. McCawley, 202-634-1080	Monthly	7 to 8.
Antimony Report	Production, Imports, Exports, Consumption and Stocks	P. Plunkert, 202-634-1063	Quarterly	7 to 8.
Bauxite and Alumina Report.	Production and Imports of Bauxite, Imports and Exports of Alumina	L. Baumgardner, 202-634-1081	Quarterly	7 to 8.
Bismuth Report	Consumption, Imports, Exports	J. F. Carlin, Jr., 202-634-1083	Quarterly	7 to 8.
Cadmium Report	Production, Imports, Exports and Stocks	P. Plunkert, 202-634-1063	Quarterly	7 to 8.
Cement Report	Shipments By Producing District, Shipments By State of Destination and Imports.	W. Johnson, 202-634-1184	Monthly	6 to 7.
Chromium Report	Consumption and Stocks of Chromite. Production, Shipments and Stocks of Chromium Ferroalloys and Metal. Consumption By End Use and Consumer Stocks of Chromium Ferroalloys and Metal. Imports and Exports.	J. F. Papp, 202-634-1028	Monthly	7 to 8.
Cobalt	Production, Shipments, Consumption, Stocks and Imports of Cobalt Materials. Consumption of Cobalt by End Use.	W. S. Kirk, 202-634-1028	Monthly	7 to 8.
Copper Industry Report.	Consumption of Refined Copper. Consumption and Stocks of Purchased Copper-Base Scrap. Secondary Metal Recovered from Scrap Products and from Copper-Base Scrap. Imports and Exports of Copper and Copper-Base Scrap. Price of Copper.	Janice Jolly, 202-634-1071	Monthly	8 to 9.
Copper Production Report.	Mine, Smelter and Refinery Production and Stocks	Janice Jolly, 202-634-1071	Monthly	7 to 8.
Copper Sulfate Report.	Production, Shipments and Stocks	D. L. Edelstein, 202-634-1053	Quarterly	7 to 8.
Fluorspar Report	Production, Shipments, Imports, Consumption, Stocks, and Unit Value of Shipments.	L. Pelham, 202-634-4770	Quarterly	8 to 9.
Gold and Silver Report.	Mine Production, Imports and Exports. Refinery Production, Consumption, and Stocks.	J. M. Lucas, 202-634-1070 R. G. Reese, 202-634-1054	(a)—Monthly (b)—Quarterly	7 to 8. 7 to 8.
Gypsum Report	Production, Imports and Exports. Sales by End Use and Sales by Sales Region.	J. W. Pressler, 202-634-1206	Monthly	8 to 9.
Iron and Steel Scrap Report.	Receipts, Production and Stocks. Consumption of Scrap by Manufacturers of Pig Iron and Raw Steel, Manufacturers of Steel Castings, Iron Foundries and Miscellaneous Users of Scrap. Imports and Exports.	F. D. Cooper, 202-634-1022	Monthly	9 to 10.
Iron Ore Report	Production, Shipments, Stocks, Imports, Exports and Consumption	F. L. Klinger, 202-634-1023	Monthly	7 to 8.
Lead Industry Report	Mine Production. Production, Shipments and Stocks of Refined and Antimonial Lead. Consumption and Stocks of Lead and Tin Based Scrap and Secondary Metal Recovered From Scrap. Imports and Exports.	W. D. Woodbury, 202-634-1083	Monthly	8 to 9.
Lime Report	Sales or Use by Type of Lime and by State. Imports	J. W. Pressler, 202-634-1208	Monthly	6 to 7.
Magnesium Report	Production, Shipments, Imports and Exports	B. Petkof, 202-634-1073	Quarterly	6 to 7.
Manganese Report	Consumption and Stocks of Manganese Ore. Production and Stocks of Manganese Products. Consumption by End Use and Consumer Stocks of Manganese Products. Imports and Exports.	T. S. Jones, 202-634-7091	Monthly	7 to 8.
Mercury Report	Mine Production, Consumption, Producer and Consumer Stocks. Imports and Exports.	L. Carrico, 202-634-1082	Quarterly	7 to 8.
Molybdenum Report	Production, Consumption and Stocks of Molybdenum Concentrates. Production, Shipments and Stocks of Molybdenum Products. Consumption by End Use and Consumer Stocks of Molybdenum Products. Imports and Exports.	J. W. Blossom, 202-634-1021	Monthly	7 to 8.
Nickel Report	Consumption by End Use, Consumer Stocks, Imports and Exports	S. F. Sibley, 202-634-1025	Monthly	7 to 8.
Phosphate Rock Report.	Stocks, Receipts, Production and Disposition for all Types of Phosphate Rock Combined.	W. F. Stowasser, 202-634-1090	Monthly	6 to 7.
Platinum-Group Metals Report.	Refinery Production and Sales to Consuming Industries. Stocks Held by Refineries, Importers and Dealers. Imports and Exports.	J. R. Loebenstein, 202-634-1056	Quarterly	7 to 8.
Selenium Report	Production, Shipments, Producer Stocks and Imports	D. L. Edelstein, 202-634-1053	Monthly	7 to 8.
Silicon Report	Production, Shipments, Producer Stocks, Consumption, Consumer Stocks, Imports and Exports. Includes Ferrosilicon.	G. F. Murphy, 202-634-1024	Monthly	7 to 8.
Sodium Compounds	Production of Natural Soda Ash and Natural Sodium Sulfate	D. S. Kostick, 202-634-1177	Monthly	5 to 6.
Sulfur Report	Frasch Sulfur and Recovered Sulfur: Production Shipments, Stocks, Apparent Consumption, Imports and Exports.	D. E. Morse, 202-634-1190	Monthly	6 to 7.
Tin Report	Consumption, Tin Recovered From Scrap Processed, Imports. Stocks Held by Refineries, Importers and Jobbers. Prices of Tin.	J. F. Carlin, Jr., 202-634-1083	Monthly	7 to 8.
Titanium Report	Production and Consumption of Ingot and Pigments. Consumption of Scrap and Sponge Metal. Stocks of Sponge Metal, Scrap and Pigments. Imports of Ores, Pigments and Sponge Metal. Exports of Ores, Pigments and Metal.	L. E. Lynd, 202-634-1073	Quarterly	7 to 8.
Tungsten Report	Stocks and Consumption of Tungsten Concentrates. Production and Producer Stocks of Tungsten Products. Consumption by End Use and Consumer Stocks of Tungsten Products. Imports and Exports.	P. T. Stafford, 202-634-1029	Monthly	7 to 8.
Vanadium Report	Consumption by End Use and Consumer Stocks of Vanadium Products. Imports and Exports.	P. H. Kuck, 202-634-1021	Monthly	7 to 8.
Zinc Industry Report	Mine and Smelter Production. Consumption and Stocks of Slab Zinc. Zinc Prices. Production, Stocks of Products from Zinc Scrap. Stocks, Receipts and Consumption of Zinc Scrap. Imports and Exports.	James H. Jolly, 202-634-1063	Monthly	7 to 8.

[1] Reference Period of Data is for full calendar month or calendar quarter.
[2] Number of weeks after the end of calendar month or calendar quarter when summaries are available for the data on the period covered.

[FR Doc. 83-20473 Filed 7-27-83; 8:45 am]
BILLING CODE 4310-53-M

Bureau of Reclamation

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official.

Title: Recreation and Wildlife Summary
Bureau Form Number: None
Frequency: Annual
Description of Respondents: Non-Federal Public Bodies
Annual Responses: 166
Annual Burden Hours: 659
Bureau clearance officer: Wilson M. Carr, (202) 343-5356

James E. Cook,
Chief, Division of Operation and Maintenance.

July 20, 1983.

[FR Doc. 83-20436 Filed 7-27-83; 8:45 am]
BILLING CODE 4310-09-M

Office of the Secretary

Privacy Act of 1974; Establishment of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of the Interior is documenting the establishment of two new systems of records. The two records systems, maintained by the Department's Office of Youth Programs, are titled "Biweekly Labor List by Organization—Interior, OS-30," and "Job Corps Financial Records—Interior, OS-31." The records systems contain standard financial and accounting information related to travel and salary data. A description of each system of records is published below.

5 U.S.C. 552a(e)(11) requires that the public be provided a 30-day period in which to comment. The Office of Management and Budget, which has oversight responsibilities under the Act, required a 60-day period in which to review proposals to establish records systems. Therefore, written comments on the proposed systems of records can be addressed to the Department Privacy Act Officer, Office of the Secretary (PIR), U.S. Department of the Interior, Washington, D.C. 20240. Comments received within 60 days of publication in the **Federal Register** (September 26, 1983) will be considered. Unless comments are received which would result in a contrary determination, the systems shall be effective as proposed without further notice at the end of the comment period.

As required by Section 3 of the Privacy Act of 1974 (5 U.S.C. 552a(o)), the Director, Office of Management and Budget, the President of the Senate, and the Speaker of the House of Representatives have been notified of this proposal.

Dated: July 20, 1983.

Richard R. Hite,
Deputy Assistant Secretary of the Interior.

INTERIOR/OS-30

SYSTEM NAME:

Biweekly Labor List by Organization-Interior, OS-30.

SYSTEM LOCATION:

Office of Youth Programs, Administrative Services Center, P.O. Box 11396, Salt Lake City, Utah 84147.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Office of Youth Programs in Washington, D.C., Salt Lake City, Utah, and at 12 Job Corps sites located throughout the country.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number, accounting information, amount of salary for a 2 week pay period.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 911, et seq., 5 U.S.C. 5101, et seq., 31 U.S.C. 66a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of this report is to ensure that the costs for individual employees are charged to the correct location and account. The list is utilized solely by accounting staff to cost payroll to the correct accounts. Disclosures outside the Department of the Interior may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) to a Member of Congress from the record of an individual in response to an inquiry made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfiche maintained in loose leaf binders.

RETRIEVABILITY:

By location, by name.

SAFEGUARDS:

Kept in a locked room.

RETENTION AND DISPOSAL:

Microfiche are maintained for a period of 3 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Administrative Services Center, P.O. Box 11396, Salt Lake City, Utah 84147.

NOTIFICATION PROCEDURE:

To determine individual information in this system, write to the System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see this record, write to the System Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your file, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Employee payroll system, PAY/PERS, Bureau of Reclamation, Denver, Colorado.

INTERIOR/OS-31

SYSTEM NAME:

Job Corps Financial Records—Interior, OS-31.

SYSTEM LOCATION:

(1) Office of Youth Programs, Administrative Services Center, P.O. Box 11396, Salt Lake City, Utah 84147.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Office of Youth Programs in Washington, D.C., Salt Lake City, Utah and at 12 Job Corps sites located throughout the country.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number, outstanding travel advances and/or

travel expenses incurred during the current month, and outstanding travel debts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 911, et seq., 5 U.S.C. 5701, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to: (1) Prepare Collection and Disbursement records; (2) prepare detailed budget status reports, including travel advances; (3) preparing Accounts Receivable reports by individuals; (4) preparing actual Object Classification reports. These records allow this office to identify and bill those persons who have received travel or travel advance money and who owe some portion back to the U.S. Government. It also permits a reconciliation of accounts and identification of those with outstanding advances, an identification of travel performed by Object Classification and maintenance of a record of disbursements and collections received at our Administrative Services Center. Disclosures outside the Department of the Interior may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) to a member of Congress from the record of an individual in response to an inquiry made at the request of that individual; (4) to a consumer reporting agency to facilitate the collection of debts owed to the government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfiche, printouts.

RETRIEVABILITY:

Indexed by Object Classification, by center, by social security number, and schedule number.

SAFEGUARDS:

Kept in a locked room.

RETENTION AND DISPOSAL:

Printouts destroyed yearly, microfiche retained for a period of three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Administrative Services Center, P.O. Box 11396, Salt Lake City, Utah 84147.

NOTIFICATION PROCEDURE:

To determine individual information in this system write to the System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To see this record, write to the System Manager. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your file, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Input results from data taken from requests, claims, vouchers, etc. Computer that receives data and prints report is located at the E&R Center, Bureau of Reclamation, Denver, Colorado.

[FR Doc. 83-20452 Filed 7-27-83; 8:45 am]
BILLING CODE 4310-10-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-155]

Certain Liquid Crystal Display Watches With Rocker Switches; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on June 16, 1983, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Timex Corporation, Waterbury, Connecticut 06720. The complaint alleges unfair methods of competition and unfair acts in the importation of certain liquid crystal display watches with rocker switches into the United States, or in their sale, by reason of alleged (1) infringement of the claims of U.S. Letters Patent 4,386,254 and (2) common law trademark infringement. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of investigation: Having considered the complaint, the U.S. International Trade Commission, on July 13, 1983, Ordered that:

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain liquid crystal display watches with rocker switches into the United States, or in their sale, by reason of alleged (1) infringement of U.S. Letters Patent 4,386,254 and (2) common law trademark infringement, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Timex Corporation, Waterbury, Connecticut 06720.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Collins Industrial Co., Ltd., Tsuen Wan Industrial Building, 11-F, Tsuen Wan N.T., Hong Kong
Dunbar Electronics Corporation, Olympic Tower, Room 901, 645 Fifth Avenue, New York, New York 10022
Bella Watch Corporation, 37 West 39th Street, New Nork, New York 10018
Madison Watch Co., 49 West 38th Street, New York, New York 10018
Regency Time Ltd., 29 West 38th Street, New York, New York 10018
Jupiter Time Corporation, Division of Temlex Industries, Inc., 15 West 37th Street, New York, New York 10018
Criterion Watch, 60-01 31st Avenue, Woodside, New York 11377
Sharp International Corporation, 290 Central Avenue, Lawrence, New York 11559
M. Z. Berger Co., 30-00 Northern Boulevard, Long Island City, New York 11101.

(c) Jeffrey L. Gertler, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 122, Washington, D.C. 20436, shall be the Commission

investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice 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: Jeffrey L. Gertler, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-4693.

Issued: July 25, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-20489 Filed 7-27-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Decision-Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 5, (202) 275-7289.

Volume No. OP5-FC-365

MC-FC-81602. By decision of July 20, 1983 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR. 1181, the Review Board, Members Joyce, Dowell, and Carleton approved the transfer to LARRY McDONALD TRUCKING, INC., of San Leandro, CA, of Certificate of Registration No. MC-121769 issued December 10, 1981, to R & S DRAYAGE, INC., of Haywood, CA, evidencing a right to engage in interstate commerce pursuant to Certificate of Public Convenience and Necessity granted by Decision No. 84418 dated May 13, 1975, and transferred by Decision No. 91464 dated March 18, 1980, issued by the Public Utilities Commission of the State of California, authorizing the transportation of general commodities (with exceptions) between points and places in a described portion San Francisco Territory. Representative: Ronald C. Chauvel, 100 Pine Street, Suite 2550, San Francisco, CA 94111. Prior to or concurrent with consummation, application must submit a copy of the order of the State Commission approving transfer of the underlying intrastate rights.

For the Following, please direct status calls to Team 2 at 202-275-7030.

Volume No. OP2-331

MC-FC-81489. By decision of July 20, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Members Carleton, Krock, and Dowell, approved the transfer to LTI, INC., of Lynden, WA, of the authority issued to LYNDEN TRANSPORT, INC., of Seattle, WA, in Certificates MC-65802 (Subs-71, 74X—including underlying authority in MC-65802 Sub-66—75, and 76), authorizing the transportation of fertilizer (except liquid in bulk, in tank vehicles), between points in CA, ID, MT, NV, OR, UT, and WA; clay and clay products, between the port of entry on the International Boundary line between the U.S. and Canada at or near Sumas, WA, on the one hand, and, on the other, points in ID, OR, and WA; general commodities (except classes A and B explosives), between points in CA, ID, MT, OR, and WA; general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., for or on behalf of the U.S. Government; and hazardous materials (except secret materials and sensitive weapons and munitions), between points in the U.S. Transferor will retain authority. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425—13th St. NW., Washington, DC, 20004.

MC-FC-81596. By decision of July 21, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, the Review Board, Members Williams, Parker, and Joyce approved the transfer to ROMAX TRANSPORTATION, INC., of Colton, CA, a portion of the operating rights of VIKING TRANSPORT, INC., of Oakdale, CA, as set forth in Certificate No. MC-140262 Sub-10, issued April 16, 1982, authorizing the transportation, as a common carrier, over irregular routes, of (1) ores and minerals, (2) clay, concrete, glass or stone products, and (3) chemicals and related products, between points in CA, OR, WA, ID, UT, NV, AZ, NM, CO, MT, and WY. Representative: Richard C. Celio, 300 S. Harbor Blvd., Suite 914, Anaheim, CA 92805.

Note.—An application for temporary authority has been filed.

[FR Doc. 83-20479 Filed 7-27-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carries; Permanent Authority Decision; 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 good brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods brokers—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may filed a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-371

Decided: July 15, 1983.

By the Commission, Review Board Members, Joyce, Fortier, and Krock.

MC 151279 (Sub-2), filed July 7, 1983. Applicant: SAM H. CURNUTT, d.b.a. SOUTHWEST "HOT SHOT", Route 11, Box 444, Longview, TX 75603. Representative: Sam H. Curnutt (same address as applicant), (214) 758-8213. Transporting *machinery parts, earth-moving equipment parts, electric motors and power transmission equipment, and chemicals and lubricants,* between points in TX, LA, AR, OK, CO, KS, MO, TN, KY, OH, IN, IL, PA, GA, MS, and AL.

MC 154008 (Sub-3), filed July 6, 1983. Applicant: DAVID E. YOUNG and JOYCE E. YOUNG, d.b.a., YOUNG TRUCK LINES, Box 8, Lyle, MN 55953. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, 612-340-0800. Transporting (1) *metal products and machinery,* between points in the U.S. (except AK and HI) and (2) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in MN, IA, WI, ND and SD, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168089 (Sub-1), filed June 27, 1983. Applicant: JOHN J. GOMEZ, d.b.a. JONANN TRUCKING, Route 1, Box 115, LaCrosse, WA 99143. Representative: Stanley E. Perdue, Suite 661, Paulsen Professional Bldg., Spokane, WA 99201, 509-838-6055. Transporting *general commodities* (except calsses A and B explosives, household goods, and commodities in bulk), between points in WA, OR, ID, CA, NV, UT, AR, MN, TX, MT, WY and CO.

MC 169078, filed July 5, 1983. Applicant: WALTER R. MC GREW, 1031 Coal Creek Rd., Chehalis, WA 98532. Representative: Walter R. Mc Grew (same address as applicant), 206-748-1870. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. under continuing contract(s) with R & R Truck Brokers, Inc., of Central Point, OR.

Volume No. OP5-372

Decided: July 15, 1983.

By the Commission, Review Board Members Parker, Joyce, and Fortier.

FF-718, filed July 5, 1983. Applicant: COORDINATED CARIBBEAN TRANSPORT, INC., 1533 Sunset Drive,

Coral Gables, FL 33143. Representative: S. S. Eisen, 7510 193rd Street, Flushing, NY. 11366, (212) 465-8063. As a *freight forwarder* in connection with the transportation of *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in FL, on the one hand, and, on the other, points in the U.S. (except AK and HI)

MC 1628 (Sub-2), filed July 6,1983. Applicant: STEVEN C. REUTER, d.b.a. CARL REUTER FREIGHT LINE, 712 West Third St., Sumner, IA 50674. Representative: James Robert Evans, 145 West Wisconsin Ave., Neenah, WI 54956, 414-722-2848. Transporting (1) *textile mill products, leather and leather products,* and *such commodities* as are dealt in or used by manufacturers of apparel and luggage, between points in Fayette County, IA, Saint Francois County, MO, and Grant and Iowa Counties, WI and (2) *furniture and fixtures* and *such commodities* as are dealt in or used by manufacturers or distributors of decorative brass and antique reproductions, between points in Bremer County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 41098 (Sub-117), filed July 8, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006 (202) 833-8884. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. under continuing contract(s) with Adage, Inc., of Billerica, MA.

MC 41098 (Sub-118), filed July 8, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, 202-833-8884. Transporting *machinery,* between points in the U.S. under continuing contract(s) with ATM Installation Co., of State College, PA.

MC 41098 (Sub-119), filed July 7, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, 202-833-8884. Transporting *household goods,* between points in the U.S. under continuing contract(s) with Atex, Inc. of Bedford, MA.

MC 79658 (Sub-94), filed July 7, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Michael L. Harvey (same address as applicant) 812-424-2222. Transporting *interactive graphics systems,* between points in the U.S. (except AK and HI), under continuing contract(s) with Calma Company, of Milpitas, CA.

MC 79658 (Sub-95), filed July 7, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Michael L. Harvey (same address as applicant), 812-424-2222. Transporting *household goods* and *furniture and fixtures,* between points in the U.S. (except AK and HI), under continuing contract(s) with CSX, Inc., of Richmond, VA, and its subsidiaries.

MC 168979, filed June 29, 1983. Applicant: TOM KNIGHT, JR., d.b.a. KNIGHTS TRANSPORTATION COMPANY, 2305 Northeast 37th St., Ft. Worth, TX 76106. Representative: Marvin Rosenberg, 918 White Birch Lane, Wantagh, NY 11793, (516) 735-7659. 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 Inter State Express, Inc., of Brooklyn, NY

Volume No. OP5-373

Decided: July 19, 1983.

By the Commission. Review Board Members Williams, Joyce and Carleton.

FF-719, filed July 7, 1983. Applicant: CARRIER TRANSPORT INTERNATIONAL, INC., 2553 Wyandotte St., P.O. Box 1329, Mountain View, CA 94043. Representative: Arnoald J. Krenn (same address as applicant), 415-966-1651. As a *freight forwarder* in connection with the transportation of *household goods, baggage and used automobiles,* between points in the U.S.

MC 110729 (Sub-7), filed July 8, 1983. Applicant: MICHAEL ZALUZNY, Pond Rd., Vernon, VT 05354. Representative: David M. Marshall, Sixth Floor —95 State St., Springfield, MA 01103, 413-732-1136. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in VT, ME, NH, MA, CT, RI, NY, NJ and PA.

MC 129788 (Sub-25), filed July 1, 1983. Applicant: NASS TRUCK LINES, INC., Box H, Wenona, IL 61377. Representative: Walter E. Nass (same address as applicant), (815) 853-4612. 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 157209 (Sub-1), filed July 5, 1983. Applicant: PHILLIPS LEASING CO., 816 South Okla., P.O. Box 932, Okmulgee, OK 74447. Representative: C. L. Phillips, Room 248—Clasen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 528-3884. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AR and OK, on the one hand, and, on the other, points in AR, IL, IN, KS, LA, MO, NM, OK, TN, and TX.

MC 164029 (Sub-1), filed July 7, 1983. Applicant: OK MOVING & STORAGE COMPANY, INC., 1129 Harmony Rd., Norfolk, VA 23502. Representative: Robert J. Gallagher, 1435 G St., NW, Suite 848, Washington, DC 20005, (202) 628-1642. Transporting *household goods* between points in AL, CA, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC.

MC 167639 filed July 7, 1983. Applicant: BILLINGS STORAGE AND WAREHOUSE CO., 206 Plainview, P.O. Box 20858, Billings, MT 59204. Representative: Joe Gerbase, P.O. Drawer 849, Billings, MT 59103-0849, (406) 248-2611. Transporting *pharmaceuticals, medical supplies and equipment,* (1) between points in Yellowstone County, MT, on the one hand, and, on the other, points in Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Cassia, Clark, Cluster, Fremont, Idaho, Jefferson, Lemhi, Lincoln, Madison, Minidoka, Oneida, Power, Teton, and Twin Falls Counties, ID, Big Horn, Cambell, Crook, Park, Sheridan and Teton Counties, WY, Billings, Bowman, Divide, Golden Valley, McKenzie, Slope, Stark and Williams Counties ND, and Butte, Custer, Fall River, Harding, Lawrence and Pennington Counties, SD, and (2) between points in Bannock, Bear Lake, Bingham, Blaine, Booneville, Butte, Cassia, Clark, Custer, Fremont, Idaho, Jefferson, Lemhi, Lincoln, Madison, Minidoka, Oneida, Power, Teton and Twin Falls Counties, ID, Big Horn Cambell, Cook, Park, Sheridan and Teton Counties, WY, Billings, Bowman, Divide, Golden Valley, McKenzie, Slope, Stark, and Williams Counties, ND, and Butte, Custer, Fall River, Harding, Lawrence and Pennington Counties, SD, under continuing contract(s) with Tavenol Laboratories, Inc., of Morton Grove, IL.

Volume No. OP5-374

Decided: July 20, 1983.

By the Commission, Review Board Members Joyce, Carleton, and Krock.

MC 77129 (Sub-16), filed July 13, 1983. Applicant: PUFFER TRANSPORT, INC., RFD 1, Box 19, Vernon, VT 05354. Representative: David M. Marshall,

Sixth Floor—95 State Street, Springfield, MA 01103, (413) 732-1136. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with R & M Distributors, Inc., of Canton, MA.

MC 149229 (Sub-5), filed July 13, 1983. Applicant: SOUTHERN CHEMICAL TRUCKING SERVICE, INC., P.O. Box 71, Macon, GA 31297. Representative: Richard M. Tettelbaum, 1225—19th St., NW, Washington, DC 20036, (202) 296-3050. 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 160279 (Sub-8), filed July 8, 1983. Applicant: EXCEL TRANSPORTATION, INC., P.O. Box 2519, Wichita, KS 67201. Representative: Michael J. Osborn, P.O. Box 82028, Lincoln, NE 68501, 402-475-6761. Transporting *transportation equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with persons who are manufacturers, distributors, dealers, or consumers of transportation equipment.

MC 165749, filed July 8, 1983. Applicant: RON TOOLEY TRUCKING, INC., 345 N. Columbus Rd., Wooster, OH 44691. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *food and related products* between points in Stark and Trumbull Counties, OH, and Greene County, IN, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 169149, filed July 11, 1983. Applicant: JOHN E. CZECHOWSKI, d.b.a., JEC TRANSPORTATION, 1412 Bleeker Ave., Reading, PA 19607. Representative: John E. Czechowski (same address as applicant), 215-775-1141. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in PA, NJ, OH, MD, IN, IL, VA, NC, SC, GA, FL, and DC.

Volume No. OP5-375

Decided: July 20, 1983.

By the Commission, Review Board Members Williams, Dowell, and Carleton.

MC 79658 (Sub-96), filed July 11, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, P.O. Box 509, Evansville, IN 47711. Representative: Michael L. Harvey (same address as applicant), (812) 424-2222. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Figgie International, of Willoughby, OH.

MC 97009 (Sub-34), filed July 11, 1983. Applicant: HERZOG TRUCKING COMPANY, INC., 200 Delaware St., Honesdale, PA 18431. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234-0301. 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 161018, filed June 27, 1983. Applicant: C. W. Fletcher, 594 East Ohio St., Circleville, OH 43113. Representative: John L. Alden, 1396 West Fifth Avenue, Columbus, OH 43212, (614) 481-8821. 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 Consolidated International of Columbus, OH and the Cyril-Scott Company of Lancaster, OH.

MC 169129, filed July 11, 1983. Applicant: BLOOD STOCK TRANSPORTER CORPORATION, Route 10, Box 308, Lubbock, TX 79404. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, 806-763-9555. Transporting *horses, other than ordinary, attendants and accessories*, between points in the U.S. (except AK and HI).

MC 169138, filed July 11, 1983. Applicant: PEASTER TRACTOR INC., Rt. 4, Box 2, Yazoo City, MS 39194. Representative: Jim Green (same address as applicant), 601-746-6208. Transporting (1) *machinery*, between points in the U.S. (except AK and HI), under continuing contract(s) with Amco Products, Portable Elevator Div. Dynamic Corp. of America of Yazoo City, MS; Courts Equipment Co., of Pickens, MS; Madison County Equipment Co., Inc. of Grenada, MS; Southern Imp. Co., of Rolling Fork, MS; Aldridge: Harbour, Inc., of Jackson, MS; Wade, Inc., of Greenwood, MS; Wade, Inc., of Clarksdale, MS; Wade, Inc., of Indianola, MS; and Farmers Tractor Co., Inc. of Greenville, MS; and (2) *lumber and wood products*, between points in Yazoo County, MS, on the one hand, and, on the other, points in IA, IL, TN, MO and AR, under continuing contract(s) with Burley Smith Lumber Co., of Yazoo City, MS.

Volume No. OP5-376

Decided: July 14, 1983.

By the Commission, Review Board Members Fortier, Dowell, and Carleton.

MC 159959 (Sub-1), filed July 5, 1983. Applicant: ROWE & LONG TRANSPORT COMPANY, INC., P.O. Box 67, Nichols, GA 31554. Representative: Kim G. Meyer, Suite 1006 South Tower, 225 Peachtree St., NE., Atlanta, GA 30303. 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 J & D Brokerage, Inc., of Nichols, GA.

Please direct status inquiries to Team 1, (202) 275-7030.

Volume No. OP-1-297(N)

Decided: July 19, 1983.

By the Commission, Review Board Members Krock, Williams, and Dowell.

MC 2860 (Sub-227), filed July 5, 1983. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Addison Hand (same address as applicant), (609-691-7000). 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 International Paper Company, of New York, NY.

MC 146600 (Sub-7), filed June 29, 1983. Applicant: K & J TRUCKING, INC., 2808 West Sixth St., Sioux Falls, SD 57104. Representative: A.J., P.O. Box 1103, Sioux Falls, SD 57101, (605)-335-1777. Transporting *general commodities* (except A and B explosives, household goods and commodities in bulk), between points in the U. S. (except AK and HI).

MC 151151 (Sub-3), filed June 28, 1983. Applicant: JAHN TRANSFER, INC., 417 Hokah St., Caledonia, MN 55921. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601, (608)788-2000. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in La Crosse County, WI, Fillmore County, MN and Winneshiek County, IA, on the one hand, and, on the other, points in MI, OH, IN, IL, MN and WI.

MC 167820 filed July 1, 1983. Applicant: RICHARD W. THOMPSON, d.b.a. R.W. THOMPSON TRUCKING, 110 Arrowhead Rd., Pittsburgh, PA 15237. Representative: Richard W. Thompson (same address as applicant), (412)-367-3118. 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 169181, filed July 13, 1983. Applicant: B & C OF NEW ORLEANS, INC., Route 3, Box 610, Dade City, FL 33525. Representative: James Bryant

(same address as applicant), (904)-567-8544. 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 169200 filed July 11, 1983. Applicant: GOVELLE ENTERPRISE, Route #2, Box 184, Danville, KY 40422. Representative: George Sensbaugh (same address as applicant), (606)-236-1465. Transporting (1) *lumber and wood products*, and (2) *building materials*, between points in AL, TN, OH, KY, IN, MI, MS, and GA.

Volume No. OP-1-299

Decided: July 20, 1983.

By the Commission, Review Board Members Parker, Joyce, and Carleton.

FF-721, filed July 14, 1983. Applicant: CARIBBEAN WORLDWIDE, INC., 403 Dulty Lane, Burlington, NJ 08016. Representative: David A. Sutherlund, 1150 Connecticut Ave., NW, Suite 400, Washington, D.C. 20036, (202)-452-6800. As a *freight forwarder* in connection with the transportation of *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 29910 (Sub-328), filed July 11, 1983. Applicant: ABF FREIGHT SYSTEM, INC., 301 South 11th St., Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902, (501)-782-1001. 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 Siemens-Allis, Inc., of Atlanta, GA, its subsidiaries and divisions, (1) Control Products Division, of Wichita Falls, TX, (2) Electric and DC Products, of New Orleans, LA, (3) Large Rotating Apparatus, of West Allis, WI, (4) Medium Motor Division, of Norwood, OH, (5) Power Breader Division, of Jackson, MS, (6) Power Regulator Division, of Gadsden, AL, (7) Power Switching Division, of Tigard, OR, and (8) Switch Gear Division, of Raleigh and Sanford, NC.

MC 111401 (Sub-628), filed July 11, 1983. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73702. Representative: Alvin J. Meiklejohn, Jr., 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264, (303)-861-4028. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI), under continuing contract(s) with that class of persons, as defined in Section 10923 of the Act, that are engaged in the business of manufacturing, distributing or dealing in bulk commodities.

MC 115391 (Sub-9), filed July 11, 1983. Applicant: GENSIMORE TRUCKING, INC., P.O. Box L, Pleasant Gap, PA 16823. Representative: Barry L. Gensimore (same address as applicant), (814)-355-5461. Transporting *metal products*, between points in the U.S. (except AK and HI).

MC 149400 (Sub-3), filed July 11, 1983. Applicant: BICENTENNIAL TRANSPORT, INC., 204 South Kresson St., Baltimore, MD 21224. Representative: Edward J. Kiley, 1730 M St., N.W., Washington, DC 20036, (202)-296-2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, SC, TN, VA, VT, WV, WI, and DC.

MC 160030 (Sub-1), filed July 8, 1983. Applicant: A.T. GOULD d.b.a. GOULD TRUCKING, 528 N. Union St., Canton, MS 39046. Representative: A.T. Gould (same address as applicant) (601) 859-3307. Transporting *food and related products*, between points in MI, MS, IN, and TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162740 (Sub-1), filed July 11, 1983. Applicant: CROSS COUNTRY HOT SHOT, INC., P.O. Box 853, Channelview, TX 77530. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, (713)-437-1768. Transporting (1) *Mercer commodities*, (2) *machinery, and (3) metal products*, between points in the U.S. (except AK and HI).

MC 169030 filed July 8, 1983. Applicant: G. MIKA, INC., 168 N. Main St., Old Forge, PA 18518. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840-8565. Transporting *metal products*, between points in the U.S. (except AK and HI).

MC 169090, filed July 7, 1983. Applicant: ROBERT P. PIRONE, INC., d.b.a. STAR-RIDERS OF CALIFORNIA, 4500 E. Bandini Blvd., Los Angeles, CA 90040. Representative: Robert Pirone, 25200 S. W. Parkway Ave., Suite 200, Wilsonville, OR 97070, (503) 682-2437. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Superior Transportation Systems, Inc., of Wilsonville, OR.

MC 169100, filed July 8, 1983. Applicant: PALMER INTERMODAL, INC., P.O. Box 425, Palmer, MA 01069. Representative: Roland A. Giroux, Jr., 89 Laurel Rd., Wilbraham, MA 01095, (413)-283-6022. Transporting (1) *plastic products*, (2) *paper and paper products*, and (3) *alcoholic beverages*, between points in the U.S. (except AK and HI).

MC 169130, filed July 11, 1983. Applicant: C & S TRUCKING, 2243 Hamilton & Cleves Rd., Hamilton, OH 45013. Representative: Charles Hyden (same address as applicant), (513)-896-6798. Transporting (1) *lumber and wood products*, and (2) *building materials*, between points in AL, OH, MI, KY and TN.

Please direct status inquiries about the following to Team Three (3) at (202) 275-5223.

Volume No. OP3-341

Decided: July 20, 1983.

By the Commission, Review Board Members Krock, Williams, and Dowell.

MC 111375 (Sub-130), filed July 1, 1983. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: James A. Matras (same address as applicant), (608) 241-1281. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 145395 (Sub-6), filed July 1, 1983. Applicant: LUCKEY TRUCKING, INC., R. R. #5, Streator, IL 61364. Representative: Vincent R. Luckey (same address as applicant), (815) 672-2931. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 146885 (Sub-10), filed July 1, 1983. Applicant: BEN CAPOBIANCO TRUCKING, INC., 9814 Princeton-Glendale Road, Cincinnati, OH 45246. Representative: Jerry B. Sellman, 140 East Town Street, Suite 1200, Columbus, OH 43215, (614) 221-5834. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in OH, on the one hand, and, on the other, points in the U.S.

MC 149284 (Sub-9), filed July 1, 1983. Applicant: MARION D. DAY, d.b.a. DAY'S EXPRESS, 1942 Seventh Street, Columbus, IN 47201. Representative: Jack L. Schiller, 111-56 76th Drive, Forest Hills, NY 11375, (212) 263-2078. 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 160244 (Sub-2), filed July 1, 1983. Applicant: RICHARD L. STOUT and DARWIN K. STOUT, d.b.a. S & H TRANSPORT, 4081 S. State St., Murray, UT 84107. Representative: Irene Warr, 311 S. State St. Ste. 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting (1) *clay, concrete, glass or stone products*, (2) *lumber and wood products*, (3) *construction materials*, (4) *metal products*, and (5) *machinery*, between points in WA, OR, CA, MT, ID, UT, NV, AZ, NM, CO, TX and WY.

MC 162655 (Sub-1), filed July 5, 1983. Applicant: LOUTEX, INC., 989 Terrace Pl., Ontario, OR 97914. Representative: Barney L. Hardin, 1471 Shoreline Dr., Suite 106, Boise, ID 83702, (208) 343-6112. Transporting *chemicals and related products*, between points in ID, NV, OR, and WA.

MC 166594, filed July 5, 1983. Applicant: WARREN W. CRISP, Route 2, Box 129, Marvell, AR 72366. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, (901) 526-4114. Transporting *agricultural chemicals and fertilizers*, between points in AR, on the one hand, and, on the other, points in AL, MS, TN, and MO.

MC 168994, filed July 1, 1983. Applicant: HUTCHINSON OIL COMPANY, INC., 207 Washakie, P.O. Box 753, Evanston, WY 82930. Representative: Larry L. Lehman, 913 Center St., P.O. Box 890, Evanston, WY 82930, (307) 789-4200. Transporting *chemicals and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Welchem, Inc., of Houston, TX.

MC 169044, filed July 5, 1983. Applicant: A & P CLARK TRANSPORT, CORP., U.S. 231, General Delivery, Aberdeen, KY 42201. Representative: Rudy Yessin, P.O. Drawer B, Frankfort, KY 40602, (502) 227-7326. Transporting *coal*, between points in KY, IN, and TN.

MC 169105, filed July 5, 1983. Applicant: MR. NICK'S TRUCKING, INC., 1382 Mineral Spring Ave., North Providence, RI 02904. Representative: Robert A. Mega, 25 Esten Ave., Pawtucket, RI 02860, (401) 724-1200. Transporting *confectionaries and novelties*, between points in the U.S. (except AK and HI), under continuing contract(s) with E. Rosen Company, of Pawtucket, RI.

Volume No. OP3-334

Decided: July 19, 1983.

By the Commission, Review Board Members Carleton, Parker, and Joyce.

MC 135364 Sub 58, filed June 23, 1983. Applicant: MORWALL TRUCKING, INC., R.D. #3, Box 76-C, Moscow, PA 18444. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Filter Products Corp., of Lake Zurick, IL.

MC 145164 (Sub-1), filed June 27, 1983. Applicant: HAROLD N. SCHONSCHECK TRUCKING, INC., 5943 Larsen Road, Oshkosh, WI 54901. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203, (414) 273-7410. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with D.F.C. Transportation, Inc., of Green Bay, WI.

MC 145164 (Sub-1(a)), filed June 27, 1983. Applicant: HAROLD N. SCHONSCHECK TRUCKING, INC., 5943 Larsen Road, Oshkosh, WI 54901. Representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, WI 53203, (414) 273-7410. Transporting *paper and paper products* and *feeds and fertilizers*, between points in WI, on the one hand, and, on the other, points in IL, IN, IA, MI, and MN.

MC 148604 (Sub-10), filed June 29, 1983. Applicant: FALCON TRANSPORT CO., a Corporation, 4944 Belmont Ave., P.O. Box 6023, Youngstown, OH 44501. Representative: Michael Spurlock, 275 East State St., Columbus, OH 43215, (614) 228-8575. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 168915, filed June 27, 1983. Applicant: D & T EDWARDS TRUCKING, 103 E. 5th St., P.O. Box 152, Poyen, AR 72128. Representative: Donald W. Edwards same address as applicant), (501) 337-0526. Transporting *laminated oak flooring and hardwood lumber*, between points in Grant and Jefferson Counties, AR, on the one hand, and, on the other, points in IN, OK, GA, and TX, under continuing contract(s) with Arkansas Oak Flooring, Inc., of Pine Bluff, AR.

Volume No. OP3-340

Decided: July 19, 1983.

By the Commission, Review Board Members Parker, Williams, and Dowell.

MC 53965 (Sub-211), filed July 5, 1983. Applicant: GRAVES TRUCK LINE, INC., 8717 W. 110th St., Suite 700, Overland Park, KS 66210. Representative: Bruce A. Bullock, One Woodward Ave., 26th Fl., Detroit, MI 48226, (313) 496-3534. 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 Emerson Electric Co., and its subsidiaries of St. Louis, MO.

MC 59135 (Sub-43), filed July 7, 1983. Applicant: RED STAR EXPRESS LINES OF AUBURN, INC., 24-50 Wright Ave., Auburn, NY 13021. Representative: Edward J. Kiley, 1730 M St., N.W., Washington, D.C. 20036, (202) 296-2900. 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 Scott Paper Co., of Philadelphia, PA.

MC 120184 (Sub-19), filed July 7, 1983. Applicant: PEP LINES TRUCKING CO., 32600 Dequindre Rd., Warren, MI 48092. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566-5639. Transporting *metal products*, between points in the U.S., under continuing contract(s) with purchasers of metal products manufactured and sold by Bohn Metal Division of Gulf & Western Manufacturing Co., of Southfield, MI.

MC 151915 (Sub-4), filed July 5, 1983. Applicant: KELWORTH TRUCKING COMPANY, INC., Hwy 59 So., Hodgen, OK 74939. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902, (501) 782-1001. Transporting (1) *building materials*, between points in AR, IL, IN, KS, KY, LA, MI, MO, NE, OH, OK, TN and TX, (2) *chemicals, fertilizers and feed supplements*, between points in AR, CO, IA, KS, MS, MO, NE, NM, OK and TX, and (3) *clay, concrete, glass or stone products*, (a) between points in AR, KS, LA, MS, MO, OK, TX, AL, GA, and TN, on the one hand, and, on the other, points in IN, IL, KY, MI, and OH and (b) between points in IN, IL, KY, MI and OH.

Note.—Applicant seeks to tack this authority to its existing irregular route authority.

MC 153064 (Sub-2), filed July 8, 1983. Applicant: HAAS CARRIAGE, INC., 625 Utica Street, Sellersburg, IN 47172. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S. (except AK and HI), under continuing contract(s)

with The Kroger Company, of Cincinnati, OH.

MC 162795 (Sub-1), filed July 1, 1983. Applicant: WILLIAM P. DALTON, d.b.a. DALTON TRUCKING, P.O. Box 20, Centerton, IN 46116. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting (1) *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in IN, IL, OH, KY, WI, MO, and PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *food and related products* between points in the U.S. (except AK and HI).

MC 168904, filed June 27, 1983. Applicant: JACK A. STUBBENDICK, 537 N. Willard Ave., Janesville, WI 53545. Representative: Kenneth Buhrows, 24 N. Henry St., Edgerton, WI 53534, (608) 884-3391. Transporting (1) *malt beverages and related products* and (2) *clay, concrete, glass or stone products*, between points in the U.S. (except AK and HI), under continuing contact(s) with Harry P. Goodall, Inc., of Milton, WI, Janesville Concrete Products, Div. of Condux International, Inc., of Janesville, WI and Osborn Dist. Co., Inc., of Delavan, WI.

MC 169014, filed July 1, 1983. Applicant: TONY D. HUFF & KATHRYN HUFF, d.b.a. H & H TRANSPORT, Rt. 4, Box 69, Watkinsville, GA 30677. Representative: Macklyn Smith, 1385 Iris Drive, Conyers, GA 30208, (404) 922-6200. Transporting *food and other edible products and byproducts intended for human consumption*, (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 169075, filed July 5, 1983. Applicant: ALASKA FREIGHT EXPRESS, INC., P.O. Box 24566, Seattle, WA 98134. Representative: Jim Pitzer, P.O. Box 895, Renton, WA 98057, (206) 235-1111. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WA and AK.

[FR Doc. 83-20483 Filed 7-27-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified piror to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-366

Decided: July 15, 1983.

By the Commission, Review Board Members Joyce, Fortier, and Krock.

MC 169059, filed July 6, 1983. Applicant: J.M.K. FREIGHT BROKERS, INC., 2213 Belford Ave., Placentia, CA 92670. Representative: Steven J. Kalish, 1750 Pennsylvania Ave., NW., Washington, DC 20006, (202) 393-5710. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 169088, filed July 7, 1983. Applicant: FREIGHT DISTRIBUTORS, INC., 1440 East Fifth Street, Los Angeles, CA 90033. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602, (213) 945-3002. To operate as a *broker* of *general commodities* (except household goods) between points in the U.S.

MC 169089, filed July 7, 1983. Applicant: LARRY HATCH, Star Route, Union, OR 97883. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, (503) 224-4840.

Transporting (1) for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions); and (2) *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except HI).

Volume No. Op5-367

Decided: July 15, 1983.

By the Commission, Review Board Members Parker, Joyce, and Fortier.

MC 55889 (Sub-77), filed July 7, 1983. Applicant: AAA COOPER TRANSPORTATION, 1431 Kinsey Rd., Dothan, AL 36303. Representative: Kim D. Mann, 1600 Wilson Blvd., Suite 1301, Arlington, VA 22209, 703-633-7571. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. Op5-368

Decided: July 19, 1983.

By the Commission, Review Board Members Williams, Joyce, and Carleton.

MC 157588 (Sub-1), filed July 8, 1983. Applicant: FORTIER TRANSPORTATION CO., INC., d.b.a. FORTIER STAGES, LTD., 3475 W. Franklin St., Fresno, CA 93706. Representative: Ellis Ross Anderson, 100 Bush St., Suite 410, San Francisco, CA 94104, (415) 421-6743. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 169079, filed July 8, 1983. Applicant: G. THOMAS BROWN, d.b.a. SEACOAST LIMOUSINE SERVICE, 116 Clinton St., Delaware City, DE 19706. Representative: G. Thomas Brown, 119 Warfel Drive, Delaware City, DE 19706, (302) 834-0701. Transporting *passengers*, in charter and special operations, between points in CT, DE, MD, MA, NJ, NY, NC, PA, RI, SC, VA, and DC.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 169109, filed July 11, 1983. Applicant: EDWARD SMITH, d.b.a. ES TRANSPORTATION BROKERS, 2021 E. Dublin Granville Rd., Columbus, OH 43229. Representative: Edward Smith, P.O. Box 29390, Columbus, OH 43229, (614) 431-2383. To operate as a *broker* of general commodities (except household goods) between points in the U.S.

Volume No. OP5-369

Decided: July 20, 1983.

By the Commission, Review Board Members Joyce, Carleton, and Krock.

MC 169159, filed July 11, 1983. Applicant: RALPH SIMMS and BETTY MOONEY d.b.a. LITTLE BIT O'CLASS, 17700 S. Western Gardena, CA 90248. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, 714-667-8107. Transporting *passengers* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP5-370

Decided: July 20, 1983.

By the Commission Review Board Members Williams, Dowell, and Carleton.

MC 149189 (Sub-4), filed July 7, 1983. Applicant: PIPELINE TRUCKING COMPANY, 11250 Firestone Blvd., Norwalk, CA 90650. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602, (213) 945-3002. As a *broker* of general commodities (except household goods) between points in the U.S.

MC 169039, filed July 5, 1983. Applicant: DARREL W. BENJAMIN d.b.a. DARREL W. BENJAMIN TRUCKING, P.O. Box 186, Carter, MT 59420. Representative: Darrel W. Benjamin, (same address as applicant), (406) 734-5397. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 169139, filed July 11, 1983. Applicant: CLASSIC COACH CORPORATION, 302 West 86th St., New York, NY 10024. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, 212-838-0600. Transporting *passengers* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 169148, filed July 11, 1983. Applicant: LEE O. WILLIAMS, d.b.a. ELITE TRAVEL SERVICE INC., 609 GORDON TER., PARK FOREST, So. IL60466. Representative: Austin O'Malley, 17600 S. Crawford, Country Club Hills, IL 60477, 312-957-4620. Transporting *passengers* in charter and special operations, beginning and ending at points in Cook and Will Counties, IL, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Please direct status inquiries about the following to Team Four at (202) 275-7669.

Volume No. OP4-451

Decided: July 14, 1983.

By the Commission, Review Board, Members: Carleton, Dowell and Williams.

MC 169036, filed July 5, 1983. Applicant: J & D BROKERAGE, INC., P.O. Box 67, Nichols, GA 31554. Representative: Kim G. Meyer, Suite 1006 S. Tower, 225 Peachtree St., N.E., Atlanta, GA 30304, (404) 523-1717. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Please direct status inquiries to Team 1, (202) 275-7030.

Volume No. OP1-296(F)

Decided: July 20, 1983.

By the Commission, Review Board Members: Williams, Dowell, and Carleton.

MC 84780 (Sub-1), filed July 7, 1983. Applicant: SUN SET STAGES, INC., 324 Sycamore, Abilene, TX 79602. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767, (512) 472-8800. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 169070, filed July 7, 1983. Applicant: CRAWFORD PRODUCTS, INC., Trucking Division, P.O. Box 175, Tuscumbia, AL 35674. Representative: Albert J. Crawford (same address as applicant), (205) 383-3197. Transporting (1) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *used household goods*, for the account of the U.S. Government incidental to a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

MC 169081, filed July 5, 1983. Applicant: MIKE SWEARINGEN, d.b.a. SWEARINGEN TRUCKING, 605 N. Elmwood #303, Sioux Falls, SD 57104. Representative: Nancy Stark, 805 N. Helen, Sioux Falls, SD 57104, (605) 335-1120. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic

beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

VOLUME No. OP-1-298(F)

Decided: July 19, 1983.

By the Commission, Review Board Members: Krock, Williams, and Dowell.

MC 169141, filed July 11, 1983. Applicant: C AND C TRANSPORTATION, INC., 1401 Fairfax Trafficway, Bldg. D, Room 332, Kansas City, KS 66101. Representative: Warren H. Sapp, P.O. Box 30010, Kansas City, MO 64112, (913) 381-0575. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 169161, filed July 11, 1983. Applicant: FRED R. COVINGTON AND THERON L. CAROTHERS, d.b.a. COVINGTON & CAROTHERS, 2150 Franklin St., Suite 554, Oakland, CA 94612. Representative: Fred R. Covington (same address as applicant), (415) 893-4102. As a *broker* of *general comodities* (except household goods), between points in the U.S.

Please direct status inquiries about the following to Team Three (3) at (202) 275-5223.

Volume No. OP3-335

Decided: July 19, 1983.

By the Commission, Review Board Members Carleton, Parker, and Joyce.

MC 61335 (Sub-22), filed June 28, 1983. Applicant: TRANS-BRIDGE LINES, INC., 2012 Industrial Dr., Bethlehem, PA 18017. Representative: W. C. Mitchell, 144 Ridge Rd., Watchung, NJ 07060, (201) 755-2023. Over regular routes, transporting *passengers*, between Bethlehem, PA, and State College, PA: from Bethlehem, PA over city streets through Bethlehem and Allentown, PA, to junction U.S. Hwy 22 at Allentown, PA, then over U.S. Hwy 22 to junction PA Hwy 9 (Pennsylvania Turnpike) near Allentown, PA, then over PA Hwy 9 to junction Interstate Hwy 80 near East Side, PA, then over Interstate Hwy 80 to junction PA Hwy 487 near Light Street, PA, then over PA Hwy 487 to Bloomsburg, PA, then over U.S. Hwy 11 to junction PA Hwy 42 near Bloomsburg, PA, then over PA Hwy 42 to junction Interstate Hwy 80 at Buckhorn, PA, then over Interstate Hwy 80 to junction PA Hwy 26 at Curtin, PA, then over PA Hwy 26 to State College, PA, and return over the same route, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate and foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route.

Note.—Applicant intends to tack this authority with its existing authority in No. MC-61335.

MC 148604 (Sub-10(a)), filed June 29, 1983. Applicant: FALCON TRANSPORT CO., a corporation, 4944 Belmont Ave., P.O. Box 6023, Youngstown, OH 44501. Representative: Michael Spurlock, 275 East State St., Columbus, OH 43215, (614) 228-8575. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168824, filed June 27, 1983. Applicant: PYREDUCK, INC., 2276 Valley View Drive, El Cajon, CA 92021. Representative: Alistair MacCabe, 2067 First Avenue, San Diego, CA 92101, (619) 239-8512. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

[FR Doc. 83-20481 Filed 7-27-83; 8:45 am]

BILLING CODE 7035-01-M

[OP5MCF-363]

Motor Carriers; Decision-Notice; Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: July 8, 1983.

By the Commission, Review Board Members Fortier, Parker, and Joyce.

Agatha L. Mergenovich,

Secretary.

MC-F-15344, filed July 1, 1983. WHITE TRANSIT COMPANY (WHITE) (239 Old River Road, Wilkes-Barre, PA 18702)—CONTROL—GULF COAST MOTOR LINE, INC. (GCML) (921 3rd Street South, St. Petersburg, FL 33701).

Representative: William A. Chesnutt, 100 Pine Street (P.O. Box 1166), Harrisburg, PA 17108–1166. White, a non-carrier, seeks authority to acquire control of GCML through the purchase of all issued and outstanding capital stock of Suncoast Bus Lines, Inc., which in turn, owns all issued and outstanding capital stock of GCML, and Frank M. Henry, who controls White through ownership of all its issued and outstanding capital stock, seeks approval to acquire control of GCML through the transaction. GCML holds authority under No. MC–85819 and subs thereunder to transport passengers and their baggage, express, and newspapers in the same vehicles with passengers over regular routes between various points in Florida, and passengers and their baggage over irregular routes, in charter and special operations, between points in the United States. Frank M. Henry, who joins in this application, presently controls Frank Martz Coach Company (MC–3600 and subs thereto), Gold Line, Inc. (MC–108452 and subs thereto), and Price Bus Company, Inc. (MC–17751 and subs thereto), all of which operate as motor common and/or contract carriers of passengers. Impediment: Frank M. Henry, who controls White, also controls Frank Martz Coach Company, Gold Line, Inc., and Price Bus Company, Inc., the authority of which duplicates in part that held by GCML. The holding of duplicate authority by commonly controlled motor carriers of passengers is prohibited under 49 CFR 1183.6.

Note.—An application for temporary authority has been filed.

[FR Doc. 83–20480 Filed 7–27–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers: Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Joyce D. Lannon (202) 275–7992.

SUPPLEMENTARY INFORMATION. Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

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

Agatha L. Mergenovich,

Secretary.

Volume No. OP1–300.

Decided: July 22, 1983.

Bennett Trucking, Inc.—Purchase Exemption—Sioux Transportation Co., Inc., A. Frank Baron, Trustee-in-Bankruptcy

[No. MC–F–15331]

Bennett Trucking, Inc. (MC–157540) seeks an exemption from the requirement under section 11343 of prior regulatory approval for the purchase of the operating rights of Sioux Transportation Co., Inc. in (MC–22301) (Sub-No. 29F).

Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and

(2) Petitioners' representative, Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501–2028.

Comments should refer to No. MC–F–15331.

Volume No. Op5–MC–FC–364

Decided: July 21, 1983.

[No. MC–F–15337]

Dennis T. Richardson—Control Exemption—Easley Hauling Service, Inc.

Dennis T. Richardson seeks an exemption from the requirement under section 11343 of prior regulatory approval for him to acquire control of the operating rights of Easley Hauling Service in No. MC–118038 and any subnumbers thereunder.

Addresses: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423, and

(2) Petitioner's representative, Flower & Andreotti, 303 East "D" Street, Suite 1, Yakima, WA 98901.

Comments should refer to: No. MC–F–15337.

[FR Doc. 83–20482 Filed 7–27–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. MC–43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: July 21, 1983.

Kingsway Transports Limited (MC–112908), Kingsway Transports, Inc. (MC–144991), Kingsway Freightlines Limited (MC–144221), Kingsway Dalewood Limited (MC–133690), and Servall Transport Limited (MC–146998) petition for waiver of Subpart B, §§ 1057.11 and 1057.12 of the *Lease and Interchange of Vehicle* regulations (49 CFR Part 1057).

We find: Petitioners are all regulated carriers holding authority from this Commission. They are operating under authorized common control confirmed in Dockets MC–F–14183, MC–F–12870, and MC–F–13920.

The petition indicates that the carriers are seeking waivers of specific regulations which they believe to be burdensome and restrictive in the frequent interchange of vehicles between themselves. The petition clearly indicates that this interchange is of a trip-lease nature, saying in pertinent part:

> * * * petitioners maintain numerous power interchange agreements under Canadian law to permit the cross-leasing of equipment between the operations of the individual petitioning carrier entities. Petitioners wish to extend this same system * * * to their U.S. operations.

Since the vehicle leasing being conducted is between regulated carriers, the governing regulations are those of 49 CFR Part 1057, Subpart C, § 1057.22. The applicability of this section is clearly indicated by the Commission in Ex Parte No. MC–168, served February 4, 1983, at page 6 of the decision, which says:

> The trip-lease exemption (49 CFR 1057.22) permits authorized carriers to reposition their equipment in a financially productive manner, in accord with the conditions set forth therein * * *.

The decision further points out, at page 7, that the general leasing requirements of § 1057.11 and 1057.12 apply only to the leases between carriers and owner-operators, saying:

> * * * our research has not revealed, conditions that exist in carrier/carrier relationships which are similar to those that chronically exist in carrier/owner-operator relationships * * *. That dissimilarity is essentially why the protections for owner-operators appear in a carrier/owner-operators rule (general leasing requirements) rather than a carrier/carrier rule (trip-lease exemption).

There has been some confusion in regard to 49 CFR Part 1057 which has led various petitioners to seek waiver of

§§ 1057.11 and 1057.12 although they are not applicable to the interchange of equipment between regulated carriers. For this reason, rather than deny this petition as improper, we have accepted it as seeking waiver of those conditions in the appropriate regulations which petitioners have indicated are burdensome to the interchange of equipment between the commonly controlled companies. Should our interpretation of their need for relief from § 1057.22 be inaccurate or inappropriate we invite petitioners to seek further relief.

We further find that a denial of the requested relief, as modified, would offer no more protection to the public and would prevent greater efficiency, fuel economy, and costs savings.

It is Ordered

1. The petition of Kingsway Transports Limited (MC-112908), Kingsway Transports, Inc. (MC-144991), Kingsway Freightlines Limited (MC-144221), Kingsway Dalewood Limited (MC-133690), and Servall Transport Limited (MC-146998) for waiver of Subpart B, Sections 1057.11 and 1057.12 of the *Lease and Interchange of Vehicle* regulations (49 CFR Part 1057) is denied as filed.

2. Waivers are granted, however, to the following conditional provisions of 49 CFR Part 1057, Subpart C, § 1057.22, as determined by the Board to be those appropriate to the needs of the petitioners: Section 1057.22(a) equipment identification, (d) limited directional return of equipment and (e)(2) insofar as it requires the issuance of receipts. In lieu of such receipts however, times of equipment possession must be identifiable by normal dispatch records of the involved carriers.

3. All provisions of § 1057.22, other than those waived above, will be applicable to the exchange of equipment between the petitioners, as long as they remain regulated carriers under common control.

4. Contractual relationships between owner-operators and the individual carriers will be governed by the complete leasing regulations of 49 CFR Part 1057, Subpart B, §§ 1057.11 and 1057.12.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and William F. Sibbald, Jr.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-20476 Filed 7-27-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers; Decision

Decided: July 21, 1983.

Mid Seven Transportation Company (MC-16831) and Cross-Country Corporation (MC-165818) petition for waiver of Subpart B, § 1057.11 (except (b)), § 1057.12, and Subpart C, § 1057.22(d).

We Find: Petitioners are authorized carriers operating under common control approved by decision in Docket MC-F-10594. Standards for equipment inspection and safety programs are identical for both companies.

The petition indicates that the carriers are seeking waivers of specific regulations which they believe to be burdensome and restrictive in the frequent interchange of vehicles between themselves. The petition clearly indicates that this interchange is of a trip-lease nature, saying in pertinent part:

> * * * both companies will find it necessary or desirable from time to time to augment their fleets of equipment by trip-leasing equipment from each other.

Since the vehicle leasing being conducted is between regulated carriers, the governing regulations are those of 49 CFR Part 1057, Subpart C, § 1057.22. The applicability of this section is clearly indicated by the Commission in Ex Parte No. MC-168, served February 4, 1983, at page 6 of the decision, which says:

> The trip-lease exemption (49 CFR 1057.22) permits authorized carriers to reposition their equipment in a financially productive manner, in accord with the conditions set forth therein * * *.

The decision further points out, at page 7, that the general leasing requirements of §§ 1057.11 and 1057.12 apply only to the leases between carriers and owner-operators, saying:

> * * * our research has not revealed, conditions that exist in carrier/carrier relationships which are similiar to those that chronically exist in carrier/owner-operator relationships * * *. That dissimilarity is essentially why the protections for owner-operators appear in a carrier/owner-operators rule (general leasing requirements) rather than a carrier/carrier rule (trip-lease exemption).

There has been some confusion in regard to 49 CFR Part 1057 which has led various petitioners to seek waiver of §§ 1057.11 and 1057.12 although they are not applicable to the interchange of equipment between regulated carriers. For this reason, rather than deny this petition as improper, we have accepted it as seeking waiver of just the one provision of the applicable regulations which petitioners have found burdensome: Section 1057.22(d).

We further find that a denial of the requested relief, as modified, would offer no more protection to the public and would prevent greater efficiency, fuel economy, and costs savings.

It is Ordered

1. The petition of Mid Seven Transportation Company (MC-16831) and Cross-Country Corporation for waiver of Subpart B, § 1057.11 (except (b)), § 1057.12 of the *Lease and Interchange of Vehicle* Regulations (49 CFR Part 1057) is denied.

2. Waiver is granted, however, to the conditional provision of Subpart C, § 1057.22(d).

3. All provisions of § 1057.22, other than that waived above, will be applicable to the exchange of equipment between the petitioners, as long as they remain regulated carriers under common control.

4. Contractual relationships between owner-operators and the individual carriers will be governed by the complete leasing regulations of 49 CFR Part 1057, Subpart B, §§ 1057.11 and 1057.12.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and William F. Sibbald, Jr.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-20475 Filed 7-27-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388 (Subs-8, 23 and 35)]

Intrastate Rail Rate Authority; Indiana, et al.

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time for filing.

SUMMARY: The petitions of Consolidated Rail Corporation (Conrail) to late-file comments concerning the applications for certification filed by Indiana, New York, and West Virginia are granted and Conrail's comments are accepted. Upon the request of New York, Indiana, and West Virginia are granted 20 days from the sevice date of this notice to respond to Conrail's comments.

DATES: Responses are due 20 days after publication.

ADDRESS: Send an original and, if possible, 15 copies of all comments to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 10423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275-7278.

By the Commission, Reese H. Taylor, Jr., Chairman.

Dated: July 20, 1983.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-20477 Filed 7-27-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388 (Sub-33)]

Intrastate Rail Rate Authority; Virginia

AGENCY: Interstate Commerce Commission.

ACTION: Notice of certification.

SUMMARY: The Commission certifies the Virginia State Corporation Commission under 49 U.S.C. 11501(b), to regulate intrastate rail transportation, subject to a condition precedent that it modify its standards and procedures as noted in the full decision.

DATE: Certification will be effective August 29, 1983, provided that, within that period, the Virginia State Corporation Commission notifies this Commission that it has made the required modifications, or if unable to make the modifications within this time frame, that it notify the Commission that it will make the modifications.

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

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

Decided: July 20, 1983.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-20476 Filed 7-27-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

Clean Air Act Enforcement Action

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *Dri-Print Foils, Inc.*, Civil Action No. 83-2555, has been lodged with the United States District Court for the District of New Jersey. The consent decree requires Dri-Print Foils, Inc. to install air pollution control equipment, and modify and hookup its coating machines thereto, at its Rahway, New Jersey facility, in accordance with a compliance schedule providing for complete hookup by February 28, 1985, and to pay a civil penalty of $25,000.

The consent decree may be examined at: (1) The office of the United States Attorney, District of New Jersey, Federal Building, 970 Broad Street, Newark, New Jersey, (2) the office of the Environmental Protection Agency, Region II, Office of Regional Counsel, 26 Federal Plaza, New York, New York 10278, and (3) the Environmental Enforcement Section, Land and Natural Resources Division, of the 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. The Department of Justice will receive comments relating to the consent decree for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530 and should refer to *United States* v. *Dri-Print Foils, Inc.*, DOJ Reference #90-5-2-1-543.

F. Henry Habicht, II,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-20440 Filed 7-27-83; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action To Enforce the Clean Air Act

In accordance with Departmental policy, 28, CFR 50.7, 38 FR 19029, notice is hereby given that on July 7, 1983, a proposed consent decree in *United States* v. *Auburn Steel Company, Inc.*, Civil Action No. 83-CV-844, was lodged with the United States District Court for the Northern District of New York.

The proposed consent decree provides for compliance with the Clean Air Act, the State of New York Implementation Plan ("SIP"), and the Prevention of Significant Deterioration of Air Quality ("PSD") regulations in connection with the modification and subsequent operation of an electric arc furnance. The Department of Justice will receive for a period of thirty (30) days from the date of this notice written comments relating to the proposed 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 the *United States* v. *Auburn Steel Company, Inc.*, D.J. No. 90-5-2-1-305.

The proposed consent decree may be examined at the Office of the United States Attorney, 369, U.S. Courthouse and Federal Building, 100 S. Clinton Street, Syracuse, New York 13260; the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278; and the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed 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 at a cost of $2.70 (10 cents per page reproduction charge). Payment should be by check payable to the United States Treasury.

F. Henry Habicht II,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-20439 Filed 7-27-83; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Accident Reports, Safety Recommendations and Responses; Availability

Reports Issues

Aircraft Accident Report—Ibex Corporation Gates Learjet 23, N100TA, Atlantic Ocean, near Savannah, Georgia, May 6, 1982 (NTSB/AAR-83/1) (NTIS Order No. PB83-910401).

Railroad Accident Report—Derailment of Seaboard Coast Line Railroad Train No. 120, at Colonial Heights, Virginia, May 21, 1982 (NTSB/RAR-83/04) (NTIS No. PB83-916304).

Special Investigation Report—Large Airplane Operations on Contaminated Runways (NTSB/SIR-83/02) (NTIS No. PB83-917003).

Note.—Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703-487-4650 and to order subscriptions to reports call 703-487-4630.

Recommendations to

Aviation—*Federal Aviation Administration: Mar. 4: A-83-2:* Issue an Airworthiness Directive to require an immediate inspection of the inboard attachment fittings for the actuator arms of the main landing gear doors on Boeing 727 airplanes for proper torque and security of the two attachment bolts; and if any evidence

of looseness or relative motion in the fitting is found to require that the gear doors be rerigged. The Airworthiness Directive should further require that the fittings be checked daily during maintenance preflight inspections. *Jul. 12: A-83-45:* Sponsor a government/industry task force open to foreign participants made up of representatives from the airplane manufacturers, air carrier and commuter operators, researchers, flight attendants, and consumers: (1) To identify the type of safety information that is most useful and needed by passengers, (2) to identify and develop improved instructional concepts for conveying the safety information, and (3) to recommend appropriate changes to the operating requirements regarding passenger oral briefings and information briefing cards. *Jul. 13: A-83-44:* Issue an Airworthiness Directive which requires adherence to the inspection program for the main landing gear trunnions on all affected Cessna Models 402C, 414A, and 421C airplanse until such time as they are replaced with the new trunnion assemblies in accordance with the provisions of Cessna Service Information Letter ME 79-11.

Highway—*U.S. Department of Transportation: Jul. 14: H-83-35:* Direct the Federal Highway Administration and the Federal Railroad Administration to coordinate activities related to the improvement of inadequate traffic safety features on barrier systems of highway bridges over the Northeast Corridor. *H-83-36:* Encourage the States on the Northeast Corridor (NEC) to give greater priority to the identification, evaluation, and correction of inadequate traffic safety features on the barrier systems of highway bridges over the NEC, taking into consideration the potential hazards posed to rail traffic by vehicles which might penetrate the existing barrier systems. *H-83-37:* Make available to the States on the Northeast Corridor (NEC) a percentage of the monies apportioned to them in the Highway Bridge Replacement and Rehabilitation Program for use in the improvement of inadequate traffic safety features of barrier systems of highway bridges which pass over the NEC, whether or not the improvement is a part of a comprehensive bridge improvement project.

Marine—*Jul. 13: M-83-38:* Amend 46 CFR Parts 30 to 40 to include specific requirements that hatch covers and ullage hole covers be closed and dogged at all times unless they are required to be open for cargo transfer operations, inspections, tank cleaning, or other essential operations, or unless the vessel is gas free. *M-83-39:* Amend the next edition of Coast Guard publication CG-174, entitled "A Manual For the Safe Handling of Flammable and Combustible Liquids and Other Hazardous Products," to include a reference to the Pollution Regulations at 33 CFR 155.815 and to state clearly that hatch covers and ullage hole covers on tank vessels must be closed and dogged at all times unless they are required to be open for cargo transfer operations, inspections, tank cleaning, or other essential operations, or unless the vessel is gas free. *M-83-40:* Disseminate the circumstances of this accident to all Captains of the Port so that they can take interim measures similar to those taken in New York City to protect vessels from debris falling from bridges during repairs and alterations. *M-83-41:* Analyze the Coast Guard's enabling legislation, particularly the Ports and Waterways Safety Act, to determine if the Coast Guard has authority to promulgate enforceable regulations prohibiting the dropping of debris from bridges over navigable waterways onto vessels passing underneath, particularly during bridge repairs and alterations. If the Coast Guard determines that it has the necessary authority, promulgate appropriate regulations and procedures for the enforcement of such regulations as expeditiously as possible. If the Coast Guard determines that it does not have the needed authority to promulgate appropriate regulations and enforcement procedures, seek legislation granting it such authority. *Jul. 18: M-83-50:* Conduct a design study to determine the adequacy of existing boarding systems of U.S. Coast Guard-approved inflatable liferafts regarding the marking of the location and ease of rigging of boarding ladders or equivalent, and the ability of persons in the water, including those wearing exposure suits, to use the boarding ladder and hand holds or equivalent, and require design changes encompassing both new and existing liferafts found to have inadequate boarding systems. *M-83-51:* Reevaluate the water temperature analysis underlying the Coast Guard's proposal to exempt vessels operating between 35° north latitude and 35° south latitude and on the U.S. outer continental shelf in the Atlantic Ocean south of 38° north latitude from being required to carry exposure suits, and modify the proposal as appropriate to limit the exemption to those areas where the water is above 60°F throughout the year. *M-83-52:* Require that exposure suits be provided for each crewmember, scientific personnel, or industrial person on tank vessels, passenger vessels, cargo and miscellaneous vessels, mobile offshore drilling units, offshore supply vessels, small passenger vessels, and oceanographic vessels that operate in areas where the water temperature is below 60°F.

Council of American-Flag Ship Operators: Jul. 18: M-83-55: Recommend to its members that they provide an exposure suit for each crewmember, all scientific personnel, and all industrial persons on board their vessels which operate in waters where hypothermia can greatly reduce an individual's survival time, similar to that required by 46 CFR 94-41-5(c).

American Institute of Merchant Shipping: Jul. 18: M-83-54: Recommend to its members that they provide an exposure suit for each crewmember, all scientific personnel, and all industrial persons on board their vessels which operate in waters where hypothermia can greatly reduce an individual's survival time, similar to that required by 46 CFR 94.41-5(c).

Marine Transport Lines, Inc.: Jul. 18: M-83-53: Provide an exposure suit for each person on board all its vessels that operate in waters where hypothermia can greatly reduce an individual's survival time, similar to that required by 46 CFR 94.41-5(c).

American Welding Society: Jul. 13: M-83-44: Publish the circumstances of the tankship Poling Bros. No. 9 accident in New York City on February 26, 1982, in your magazine "Welding Journal" to inform your members of the threat to vessels and vehicles engaged in transporting flammable products that is presented by hot slag falling from bridges when metal is cut with an oxyacetylene torch.

New York City Department of Transportation: Jul. 13: M-83-43: Develop procedures to prevent debris from falling from bridges, and incorporate such procedures into the contracts involving work on all city-owned bridges over navigable waters and into the work procedures for employees of the city who are involved in work on such bridges.

Poling Transportation Company, Inc.: Jul. 13: M-83-42: Develop an instruction manual which provides guidance to masters and other crewmembers regarding the safe operation of vessels operated by your company. The manual should include, among other items, such practices as closing and dogging cargo hatch covers and ullage holes at all times unless they are required to be open for cargo transfer operations, inspections, tank cleaning, or other essential operations, or unless the vessel is gas free.

Pipeline—*Trunkline Gas Company: Jul. 14: P-83-17:* Identify compressor station building ventilation systems that have restrictive devices that if fully or partially closed would allow accumulations of gas leaking from facilities within the building, and install a gas detection system that will alert employees to hazardous gas accumulations and automatically open fully all restrictive devices when accumulations of gas are detected.

Gas Piping Standards Committee of the American Society of Mechanical Engineers: Jul. 14: P-83-18: Develop guidelines for the design and operation of compressor station building ventilation systems to prevent the accumulation of gas that may leak from facilities in the building. For building ventilation systems that have restrictive devices, which if fully or partially closed would allow accumulations of gas, these guidelines should include specific methods for automatically detecting and alerting employees to hazardous accumulations of gas and for automatically opening fully all restrictive devices when such accumulations are detected.

Interstate Natural Gas Association of America and American Gas Association: Jul. 14: P-83-19: Notify their member companies of the circumstances of the accident in Bonicord, Tennessee, on December 8, 1982, and urge them to identify compressor station building ventilation systems that have restrictive devices, which if fully or partially closed would allow accumulations of gas leaking from facilities within the building, and install a gas detection system that will detect and alert employees to hazardous gas accumulations and automatically open fully all restrictive devices when accumulations of gas are detected.

Research and Special Programs Administration: Jul. 14: P-83-20: Amend 49

CFR 192.173, regarding compression station building ventilation systems equipped with restrictive devices, to require the installation of gas detection systems that will alert employees to hazardous gas accumulations and automatically open fully all restrictive devices when accumulations of gas are detected.

Note.—Single copies of these recommendation letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please include recommendation number in your request. Copies of recent recommendations are free of charge while supplies last. Recommendations that must be photocopied will be billed at a cost of 20 cents per page ($2 minimum charge).

Recommendation Responses From

Aviation—*Federal Aviation Administration: May 19: A-83-2:* Issued a Maintenance Bulletin, FAA Order 8340.1A, Change 71, which addresses the problems identified with the Boeing 727 series airplane main landing gear door and lock system. *May 24: A-83-3 through -9:* An engineering evaluation of these recommendations concerning fuel systems in certain model Cessna and Piper airplanes is underway. *A-83-10:* Paragraphs 9, 10, 12, and 14 of Advisory Circular 20-43C issued on Oct. 20, 1976, addressed fuel contamination. Issued a publication entitled "All About Fuel" (FAA P-8740-35) in Oct. 1981 addressing fuel and fuel contamination. *A-83-11:* General Aviation Airworthiness Alerts (AC 43-16) Issues 33, 44, 48, 50, 52, and 53 discussed water in the fuel, inspection of fuel filler cap seals, and/or adapters for corroded fuel caps. Issue 59 of AC 43-16 will address plastic fuel caps. *May 24: A-81-42:* The Apr. 14, 1983, issue of the Airman's Information Manual, Chapter 1, Navigation Aids, has been amended to advise pilots that multiple navigation aids are often used in instrument flight procedures. *May 27: A-79-100 and -104:* Currently requires reporting from the aviation industry on selected categories of failures, malfunctions, and defects in aeronautical products which could adversely affect safety of flight. The information from these Service Difficulty Reports (SDR) is disseminated to the aviation community through several means. In developing the Aviation Safety Analysis System (ASAS), consideration will be given to the SDR data currently collected, the sources of information, the methods of collection, use of the data within FAA, and the dissemination of information derived from the system. If in considering these factors, changes in regulations or FAA internal procedures are indicated, such changes will be implemented. *May 27: A-82-64 through -66, A-82-107, and A-82-109 through -111:* Will initiate rulemaking to require: (a) Existing pre-1969 type certificated aircraft in Part 121 operations to be retrofitted with either a 5- or 11-parameter digital flight data recorder (FDR), and for all aircraft manufactured after a certain date to have a 16-parameter digital FDR and (2) all twin-engine, turbine-powered, fixed-wing aircraft certificated to carry six or more passengers, requiring two pilots and manufactured after a certain date, in Part 135 operations to have a cockpit voice recorder (CVR). Does not intend to propose requirements for either a CVR or FDR of aircraft in Parts 91 and 125 operations.

Note.—Single copies of these response letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please include respondent's name, date of letter, and recommendation number(s) in your request. The photocopies of billed at a cost of 20 cents per page ($2 minimum charge).

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

July 22, 1983.

[FR Doc. 83-20232 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-237]

Commonwealth Edison Company (Dresden Nuclear Power Station, Unit No. 2); Exemption

I

Commonwealth Edison Company (CECo) (the licensee) is the holder of a Provisional Operating License No. DPR-19 which authorizes operating of the Dresden Nuclear Power Station, Unit No. 2 (the facility). This license provides, among other things, that the facility is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility is a boiling water reactor located at the licensee's site in Grundy County, Illinois.

II

By letter dated July 20, 1983, the Commonwealth Edison Company (CECo) requested an exemption from the requirements of Appendix J, 10 CFR 50, so that a Type A leak test of the Dresden Unit 2 containment need not be redone until the next scheduled test.

The re-test is required by Section IV. A of Appendix J to 10 CFR 50 because a major repair had been made to a leak in the containment boundary. Since it is not possible to perform a local leak test at this location, a Type A test which involves pressurization of the entire containment would be required. The leak was through a ⅛ x 1/16 inch hole in a bellows located between the drywell wall and a vacuum breaker. The hole was inadvertently produced during some welding work nearby on July 19, 1983. The predicted leak rate from the hole at the design basis accident pressure of 48 psig was calculated to be 6.9 scfm.

The recent Type A test completed under the design basis accident pressure showed a measured containment integrated leak rate of 4.94 scfm. The additional leak rate introduced by the new hole would result in a total leak rate, at the design basis accident pressure, of 11.84 scfm which is less than the allowable limit of 13.7 scfm used for the design basis accident calculations. The staff finds the calculated leak rate from this hole to be reasonable. Although no limiting condition for operation was being exceeded, the unit was shut down and the leak was repaired by welding and satisfactorily leak tested at a low pressure.

Information concerning the effect of the above repair on the bellows was furnished by CECo to the staff by telecon on July 20, 1983 and by letter dated July 21, 1983. The staff was informed that the bellows were designed to withstand 2000 full displacement cycles during their lifetime. A full displacement cycle is one in which the bellows move from a resting state to full expansion capability. These bellows have, throughout the approximate 13½ year operating period of Dresden Unit No. 2, been subjected to only one such cycle. In addition, although the effect of the above repair on the lifetime of the bellows is that the number of cycles that the bellows will endure before failure drops by 96%, i.e., to 4% of original, the bellows still can endure 80 such cycles before failure. Based on operating experience to date, the staff believes that a significant safety margin and operating lifetime still exists for the repaired bellows.

Accordingly, in view of the small leak rate that would result even if the entire weld were to fail during a design basis LOCA, i.e., offsite doses will be within the values previously analyzed and found acceptable and since the chance of failure of the bellows during the rest of this operating cycle is remote, the staff concludes that a temporary exemption from the requirements of Section IV. A of Apendix J to 10 CFR 50 is justified and should be granted. However, because the repair has led to a considerable reduction in the "as installed" lifetime of the bellows, the staff concludes that an exemption is warranted only until the end of the next refueling outage. At that time, the required Type A tests should be carried out in accordance with Section IV.A of Appendix J to 10 CFR 50.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR

50.12, this exemption is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest, and hereby grants an exemption as described in Section II above from a portion of Section IV.A of Appendix J to the extent that a Type A pressure test is not required for the weld repair performed on the expansion bellows for vacuum breaker 2-1601-32B at Dresden Unit No. 2 on July 20, 1983.

The Commission has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland this 21st day of July 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-20602 Filed 7-27-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Company of New York; 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-26, issued to Consolidated Edison Company of New York (the licensee), for operation of Indian Point Nuclear Generating Unit No. 2, located in Westchester County, New York.

The amendment would change the Technical Specifications to revise the limiting conditions for operation for the reactor cavity level monitoring instrumentation. Specifically, the amendment would permit power operation with any two of the three presently installed reactor cavity level monitoring devices operable. Currently, the Technical Specifications require that the reactor cavity continuous level monitor and one of the two installed independent level alarms be operable prior to bringing the reactor above cold shutdown. Operation of the plant with the continuous level monitor or level alarm inoperable for more than 30 days requires that either a visual inspection of containment be performed once per shift, or the reactor be placed in the hot shutdown condition.

These requirements in the Technical Specifications were committed to by the licensee in response to the recent flooding incident at the facility in which water overflowing the containment sump ran down and overfiled the reactor cavity sump.

The licensee's reasoning for the Technical Specification change is that with the continuous level monitor inoperable, two independent, redundant level indicators are still available. Therefore, neither the radiation exposure that would be incurred by the plant operators to make visual inspections of the containment, nor the required plant shutdown are warranted. The level indication in the two other sumps within containment (the containment sump and recirculation sump) have requirements on their level indicator similar to that being proposed for the reactor cavity.

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 detemination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards include actions which involve a change that may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. The present leakage monitoring systems are significantly more conservative than that required in the Standard Review Plan (NUREG-0800, Section 5.2.5). The proposed Technical Specification change would reduce leakage monitoring requirements. However, this reduction would result in a required leak detection system which is still more conservative than that required in the Standard Review Plan. Therefore, the staff proposes to determine that the application does not involve a significant hazards consideration.

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 August 29, 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 to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards, consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Steven A. Varga, Chief, Operating Reactors Branch No. 1, Division of Licensing; 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 Thomas J. Farrelly, Esquire, 4 Irving Place, New York, New York 10003, 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 will 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Dated at Bethesda, Maryland, this 22nd day of July 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-20509 Filed 7-27-83; 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 make several changes to the Administrative Controls Section of the Technical Specifications. Principally these changes would reflect the institution by Consumers Power Company of the new "Nuclear Activities Plant Organization (NAPO)." The proposed changes would make Big Rock Point consistent with Palisades and Midland, thereby implementing a coordinated company-wide approach to the onsite and offsite safety review functions. The make-up and responsibilities of the Plant Review Committee (PRC) remain essentially unchanged. The offsite review and audit function will be performed by the Nuclear Safety Board (NSB), the new name for the Safety and Audit Review Board (SARB). The board's make-up and responsibilities remain essentially unchanged from those of SARB. The new organization, NAPO, will serve as a technical resource to the NSB. These changes are in accordance with the licensee's application for amendment dated July 20, 1982, as revised September 16 and November 12, 1982.

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 purely administrative changes [Example (i)] to the Technical Specifications. The proposed changes are purely administrative.

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 August 29, 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 satify the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitoner shall file a supplement to the petiton 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, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to 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 intevene, 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 Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Dated at Bethesda, Maryland, this 22 day of July 1983.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-20504 Filed 7-27-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-329 and 50-330]

Consumers Power Company (Midland Plant, Units 1 and 2); Receipt of Request for Action Under 10 CFR 2.206

Notice is hereby given that by letter dated June 13, 1983, the Government Accountability Project (GAP) has requested that the Commission take action, *inter alia*, to modify the construction permits for Consumers Power Company's Midland plant by imposing mandatory "hold points" on remaining construction work and by requiring a management audit and other reviews of construction activities. This request for relief is based on alleged defects in construction and quality assurance activities. GAP's letter is being treated as a request for action under 10 CFR 2.206 and has been referred to the Director of the Office of Inspection and Enforcement for consideration. As provided in 10 CFR 2.206, appropriate action will be taken on the request within a reasonable time.

Copies of the request are available for inspection in the Commission's Public Document Room at 1717 H Street, N.W., Washington, DC 20555 and in the local public document room for the Midland plant, located at the Grace Dow Memorial Library, 1910 W. St. Andrews Road, Midland, MI 48640.

Dated at Bethesda, Maryland, this 22nd day of July, 1983.

For the Nuclear Regulatory Commission.

Edward L. Jordan,

Acting Director, Office of Inspection and Enforcement.

[FR Doc. 83-20505 Filed 7-27-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al.; Crystal River Unit No. 3 Nuclear Generating Plant; Exemption

I

The Florida Power Corporation (the licensee) and eleven other co-owners hold Facility Operating License No. DPR-72, which authorizes the licensee to operate the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) at steady-state power levels not in excess of 2544 megawatts thermal. This license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect. The facility is a pressurized water reactor (PWR) located at the licensee's site in Citrus County, Florida.

II

On December 2, 1981, the Commission published a revised Section 10 CFR 50.44, "Standards for Combustible Gas Control System in Light-Water-Cooled Power Reactors (46 FR 58484). Section 10 CFR 50.44(c)(3)(iii) of the regulation requires:

> To provide improved operational capability to maintain adequate core cooling following an accident, by the end of the first scheduled outage beginning after July 1, 1982, and of sufficient duration to permit required modifications, each light-water nuclear power reactor shall be provided with high point vents for the reactor coolant system, for the reactor vessel head, and for other systems required to maintain adequate core cooling if the accumulation of noncondensible gases would cause the loss of function of these systems.

The high point vent for the reactor vessel is the subject of this exemption.

By letter dated October 12, 1982, the licensee requested an exemption from the requirement of 10 CFR 50.44 for a reactor vessel head vent. The licensee, by letter dated January 11, 1980, committed to install in the facility high point vents at the top of the hot leg U-bends and at the top of the pressurizer. The installation of these vents will be completed prior to startup from the current refueling outage scheduled for July 1983. The licensee's exemption request stated that installing an additional vent in the reactor vessel head would not be necessary to prevent the loss of natural circulation.

III

We have reviewed the licensee's exemption request and the bases for that request. Based on the information provided, we cannot conclude that noncondensible gases that evolve in the primary system can be safely vented by the hot leg high point vents alone. The primary reason for this conclusion is the lack of integral system test data which would demonstrate the feasibility of this approach.

The facility is expected to have the capability of venting noncondensible gas through the hot leg vents before natural circulation could be lost. However, if gas were trapped in the head, the procedure by which the gas could be vented through the hot leg vents by the operator during any required depressurization could be difficult. It is our understanding that the head venting capability via the hot leg vents has not been analyzed with a computer code capable of treating noncondensible gases in contact with steam-water mixtures, nor has any acceptable analysis been verified against integral systems data applicable to the Babcock and Wilcox (B&W) primary system configuration. As such, we do not have sufficient assurance from the licensee that venting noncondensible gases in the reactor vessel head via the hot leg high point vents can be safely and successfully accomplished. The ability of the operator to safely accomplish head venting via the hot legs has not been demonstrated, either with a simulator, a test facility, or a verified analysis code. The consequences of excessive depressurization and resultant natural circulation interruption during the venting process have not been examined. The staff believes that the ability of the operator to safely and successfully vent noncondensible gas trapped in the vessel head with hot leg vents and in the absence of vessel head vents should be demonstrated by either (1) committing to conduct experiments in an appropriate integral system test facility to verify analysis methods and venting procedures, or (2) demonstrating with a simulator the operators' ability to safely and successfully perform head venting via the hot legs. The simulator must be shown to be capable of properly simulating the phenomena of interest also by verification against appropriate integral system test data. Such test data could be obtained as part of the test program required to verify small break loss of Coolant Accident methodology in Item II.K.3.30 of NUREG-0737.

By letter dated April 29, 1983, the licensee committed to participate in the B&W Owner Group Integral System Test program to demonstrate the efficiency of their proposed method of noncondensible gas removal from the reactor vessel head. The licensee has also agreed to submit their evaluation of the test results to verify analytical methods and operating procedures by April 1987. The licensee further committed to have the hot leg vents installed and declared operable, have procedures in place and operators trained for using these vents to vent noncondensible gases trapped in the reactor head prior to startup from the current refueling outage (expected in mid-July 1983).

Our present judgment is that the sequence of events necessary to lead to a degraded core condition which might involve the need to remove noncondensible gas from the vessel head region is of sufficient low probability that it is unlikely to occur during the interim period needed to obtain the necessary experimental data. Therefore, an interim exemption until the test results are received and reviewed should be granted.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest.

The requested exemption from the requirements of 10 CFR 50.44(c)(3)(iii) pertaining to the installation of a reactor vessel head vent is hereby granted, modified and conditioned as follows:

The date July 1, 1982, from which the installation schedule for the reactor vessel head vent is established, is extended to December 31, 1985, which means that the head vents must be installed by the end of the first scheduled outage of sufficient duration after that date to permit the required modification. This exemption is based upon the Commission's expectation that sufficient actual test data will be available by mid-1985 to permit the licensee to make a decision and plan accordingly even though the Integral System Test Report may not have been issued in final form. The licensee shall conduct or participate in the B&W Owners Group Integral Test System Test Program to demonstrate the efficacy of their proposed method for noncondensible gas removal from the reactor vessel head and submit their evaluation of the test results to the NRC. It is recognized by the Commission that this testing is expected to confirm that the hot leg high point vents are sufficient to remove any noncondensible gases trapped in the reactor vessel head and that a head vent is not necessary for this purpose.

Prior to startup from the current refueling outage (startup scheduled for July 1983), the hot leg vents shall be operable and the licensee shall have procedures in place and operators trained for using the hot leg vents to vent noncondensible gases trapped in the reactor head.

The Commission has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 21st day of July 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 83-20506 Filed 7-27-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy 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. DPR-65, issued to Northeast Nuclear Energy Company, the Connecticut Light and Power Company, and Western Massachusetts Electric Company (the licensee), for operation of the Millstone Nuclear Power Station, Unit No. 1, located in New London County, Connecticut.

The amendment would permit repairing degraded steam generator tubes by installing metal sleeves in such tubes rather than removing them from service by plugging them, in accordance with the licensee's application for amendment dated June 3, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

This amendment would change the technical specifications to allow repair of defective steam generator tubes by either plugging or sleeving. In the present case, the licensee intends to repair selected defective generator tubes by installing a sleeve (bimetallic Inconel 625/690) between the tube sheet and the first tube support to provide an elevated resistance to the pitting corrosion attack experienced on the secondary side of the steam generator tube bundle. Sleeving materials and installation techniques to be applied are similar to those previously evaluated and accepted by the staff at Point Beach, San Onofre and Indian Point plants. Reviews conducted by the licensee pursuant to 10 CFR 50.59 in the areas of mechanical and structural integrity, material and corrosion considerations, and reactor performance have not been found to constitute an unreviewed safety question. Further, the proposed changed do not involve a significant increase in the probability or consequences of an accident previously evaluated or a significant reduction in a margin of safety. The staff agrees with the preliminary results provided in the licensee's application.

The Commission has provided guidance concerning the application of these standards by providing certain examples, published in the **Federal Register** on April 6, 1983 (48 FR 14870). None of the examples, relating to whether significant hazards considerations are likely or unlikely, appear to be directly applicable to this amendment. The Commission, however, proposes to determine that the application does not involve a significant hazards consideration because the proposed method of repairing the degraded tubes will restore their original capabilities and provide a level of safety in operation commensurate with that anticipated of the facility had it not experienced the need to repair steam generators.

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 August 29, 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 circmstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Clark: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Cuddy, Esq., Day, Berry and Howard, One Constitution Plaza, Hartford, Connecticut, 06103 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 Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut.

Dated at Bethesda, Maryland, this 22nd day of July, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-2050 Filed 7-27-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Company (Point Beach Nuclear Plant Units 1 and 2); Modification of Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Wisconsin Electric Power Company (the licensee) is the holder of Facility Operating License Nos. DPR-24 and DPR-27 which authorize the operation of the Point Beach Nuclear Plant, Units 1 and 2 (the facilities) at a steady-state power level not in excess of 1518 megawatts thermal. The facilities are pressurized water reactors (PWR) located at the licensee's site in Manitowoc County, Wisconsin.

II

Following the accident at Three Mile Island No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and

schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or after July 1, 1981. On March 17, 1982, a letter (Generic Letter 82–05) was sent to all licensees of operating power reactors for those items that were scheduled to be implemented from July 1, 1981 through March 1, 1982. Subsequently, on May 5, 1982, a letter (Generic Letter 82–10) was also sent to all licensees of operating power reactors for those items that were scheduled for implementation after March 1, 1982. These letters are hereby incorporated by reference. In these letters each licensee was requested to furnish within 30 days pursuant to 10 CFR 50.54(f) the following information for items which the staff had proposed for completion on or after July 1, 1981:

(1) For applicable items that have been completed, confirmation of completion and the date of completion, (2) For items that have not been completed, a specific schedule for implementation, which the licensee committed to meet, and (3) Justification for delay, demonstration of need for the proposed schedule, and a description of the interim compensatory measures being taken.

III

Wisconsin Electric Power Company responded to Generic Letter 82–05 by letters dated April 26, July 20 and September 24, 1982. The licensee also responded to Generic Letter 82–10 by letter dated May 26, 1982. On March 14, 1983 the Commission issued an Order confirming the licensee's commitments to implement certain post-TMI related items set forth in NUREG–0737. By letter dated May 6, 1983, further clarified by letters dated May 25 and June 16, 1983, Wisconsin Electric Power Company informed the staff of design and technical difficulties and delays in hardware delivery related to six items identified in our March 14, 1983 Order, II.F.1.1–6, and requested a revision of the Order to allow extension of the completion dates for these items. The staff's evaluation of the licensee's proposed delays for these items is provided herein:

II.F.1.1 Noble Gas Effluent Monitors

The licensee's initial response to Generic Letter 82–05 identified eight monitors that were to be installed and operating in response to this item. Four are SPING monitors connected to the exhaust stacks of the containment purge exhaust stack for each unit, the auxiliary building exhaust stack and the radwaste packaging area exhaust stack. Four are SA–11 monitors which view the main steam lines upstream of the safety valves. The licensee had committed to having these monitors installed and operating in accordance with NUREG–0737 criteria by December 1982 but indicated that the power supplies for this item would be temporary power supplies and that connection to final class 1E power supplies would be completed after completion of instrument bus system upgrades (projected for completion by June 30, 1983).

Because these items were scheduled for completion well in advance of the issuance of our Order and because discussions with the licensee did not identify further delays in installation beyond the dates committed to, this item was listed as complete in the Order. A regional inspector discovered during a subsequent inspection that the SA–11 monitors had not been fully installed and operational by December 1982. By letter dated July 1, 1983, the NRC Region III Office informed the licensee of enforcement action taken with regard to this item.

The licensee presently has the SA–11 monitors installed and hooked up to temporary power supplies. Final calibration has been completed and all four SA–11 monitors have been operating since June 30, 1983. As stated in their March 14, 1980 letter, the licensee had developed interim compensatory measures for estimating high-level release rates based upon direct radiation measurements obtained from the steam dump and steam safety valve header. Final power supply hookup was originally scheduled to be complete by June 30, 1983 but due to delays in completion of instrument bus upgrades final hookup to Class 1E power supplies will be delayed until June 30, 1984. These delays and the reasons therein are discussed more thoroughly below and affect final power supply hookup for items II.F.1.2–5 as well.

II.F.1.2 Iodine and Particulate Monitors

Two isokinetic stack samplers were installed in response to this NUREG–0737 item and are fully operational. As was the case with the monitors described in II.F.1.1 above, these items were to be operated on interim power supplies until final connection to Class 1E power supplies could take place. These interim power supplies, though not Class 1E, will be powered from the diesel generator buses during an accident. Final connection to Class 1E power supplies was scheduled to take place by June 30, 1983, but due to delays in equipment delivery and technical difficulties which will be more thoroughly discussed below is now scheduled to be complete by June 30, 1984.

II.F.1.3 High Range Containment Radiation Monitor System

Detectors, seismic supports, conduit and cabling for Unit 1 and 2 have been installed. Local indication in the auxiliary racks is available. Since June 30, 1983, this system has been energized and operable on a reliable temporary power supply; however, due to a delay in delivery of the Auxiliary Safety Instrumentation Panels (ASIP), indication in the control room will be delayed. Due to delay in instrument bus system upgrades, final hookup to Class 1E power sources will also be delayed.

Vendor delivery delays of the ASIP panels affect items II.F.1.3, II.F.1.4, II.F.1.5 and II.F.1.6. The panels will be delivered in November 1983 and installed by December 31, 1983 with conduit connected to the panels. Cable routing will be completed by February 28, 1984 and the ASIP panel instruments should be tested and fully operational by April 30, 1984.

These panels had originally been scheduled to be delivered by March 1983. The licensee's May 6, 1983 submittal identified vendor delivery delays until July 8, 1983 with installation by October 28, 1983. As described in the licensee's June 16, 1983 letter, the licensee was informed of additional delays by the vendor to the now scheduled November 1983 delivery date.

Delays have also occurred in the instrumentation bus power supply upgrades. Construction of the two new Seismic Category I battery rooms and the two equipment rooms is complete. Part of the delay for completion of this upgrade is related to the delay in the delivery of the ASIP panels since much of the control and switching circuitry for the instrumentation bus upgrade will be located in the ASIP panels. The other major delay is related to vendor design and delivery delays of the ventilating and air conditioning system. Delivery has been delayed until October 1983. Construction of the system is now scheduled to begin in November 1983 and completed in early March 1984. Startup and testing will be completed by April 1984 and final interconnection to the instrumentation will be comp lete by June 30, 1984.

As compensatory measures for the delay in the instrumentation bus upgrade, Unit 2 local instrumentation panels for items II.F.1.3–6 have been connected to safety grade power supplies since June 30, 1983. Unit 1 instrumentation panels for items II.F.1.3–6 will be connected to safety grade power supplies by the end of the fall 1983 outage (scheduled to end March 30, 1984).

II.F.1.4 High Range Containment Pressure

Indicators will be mounted on the existing control room board and in the ASIP. Installation of the control room board instrumentation was completed by June 30, 1983, for Units 1 and 2 with the instruments powered from temporary power supplies. ASIP indication and connection to final power supplies are delayed as described above.

II.F.1.5 Containment Sump Water Level System

Transmitters have been installed in containment and cable pulled for both units. The receivers have local indication and have been powered and operational since June 30, 1983 on temporary power supplies. ASIP indication and final power supply hookup are delayed as described above.

II.F.1.6 Containment Hydrogen Monitoring System

Unit 1 and 2 hydrogen detectors and cabling are installed. Local indication is available in the auxiliary racks. The system has been operational since June 30, 1983 on temporary power supplies. ASIP indication and final power supply hookup will be delayed as described above.

As an interim compensatory measure because of delays in the ASIP panels, the licensee will connect one channel of the high range containment radiation monitor (II.F.1.3), one channel of the containment sump water level (II.F.1.5) and one channel of the containment hydrogen monitor (II.F.1.6) to the backup computer system. A CRT in the control room can display input parameters for each unit. This will be complete by July 31, 1983 for both units. Containment pressure indication has been available on the control room board since June 30, 1983.

We find, based upon the above evaluation, that: (1) the licensee has taken corrective actions regarding the delays and has made a responsible effort to implement the NUREG–0737 requirements noted; (2) there is good cause for the several delays (equipment delivery delays, unanticipated design problems, technical difficulties and interface problems); and (3) as noted above, interim compensatory measures have been provided.

Accordingly, pursuant to Section 103, 161i, and 161o of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that:

The completion dates specified in the March 14, 1983 Order for Items II.F.1.1, II.F.1.2, II.F.1.3, II.F.1.4, II. F.1.5 and II.F.1.6 are extended to the dates specified in the Attachments to this Order. The March 14, 1983 Order, except as modified herein, remains in effect in accordance with its terms. The licensee's interim compensatory measures shall be completed and maintained as described herein except where necessary to complete final installation of ASIP panels and hookup to final power supplies.

V

The licensee may request a hearing on this order within 20 days of the date of publication of this Order in the **Federal Register**. Any request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address.

If a hearing is to be held, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether this order should be sustained.

This order shall become effective upon the licensee's consent or upon expiration of the period within which the licensee may request a hearing or, if a hearing is requested by the licensee, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland this 12th day of July, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

ATTACHMENT 1—LICENSEE COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 Schedule	Requirement	Licensee's Completion Schedule (or status) [1]
I.A.3.1	Simulator Exams	Oct. 1, 1981	Include simulator exams in licensing examinations	Complete.
II.B.2	Plant Shielding	Jan. 1, 1982	Modify facility to provide access to vital areas under accident conditions.	Jan. 19, 1984.
II.B.3	Post-accident sampling	do	Install upgrade post-accident sampling capability	Complete.
II.B.4	Training for Mitigating Core Damage	Oct. 1, 1981	Complete training program	Do.
II.E.1.2	Aux FW Indication & Flow Indicator.	July 1, 1981	Modify instrumentation to level of safety grade	Do.
II.E.4.2	Containment Isolation Dependability.	do	Part 5—lower containment pressure setpoint to level compatible with normal operation.	Do.
II.E.4.2	do	do	Part 7—Isolate purge and vent valves on radiation signal.	Do.
I.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Complete with the exception of final power supplies which will be complete by 6/30/84.
		do	(2) Provide capability for effluent monitoring of iodine	Do.
		do	(3) Install in-containment radiation-level monitor	June 30, 1984. [2]
		do	(4) Provide continuous indication of containment pressure.	Do.
		do	(5) Provide continuous indication of containment water level.	Do.
		do	(6) Provide continuous indication of hydrogen concentration in containment.	Do.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.

[2] Interim power from a temporary Class 1E source has been provided for Unit 2 and will be provided for Unit 1 by the end of the Fall 1983 refueling outage. Connection of one channel of the instrumentation to the backup computer system to allow input parameter display in the control room will be complete by July 31, 1983.

ATTACHMENT 2—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-10

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)[1]
I.A.1.3.1	Limit Overtime	Oct. 1, 1982 per Gen. Ltr. 82-12 dtd. June 15, 1982.	Revise administrative procedures to limit overtime in accordance w/NRC Policy Statement issued by Gen. Ltr. No. 82-12, dtd. June 15, 1982.	Complete.
I.A.1.3.2	Minimum Shift Crew [2]	To be superseded by Proposed Rule.	To be addressed in the Final Rule on Licensed Operator Staffing at Nuclear Power Units.	To be addressed when Final Rule is issued.
I.C.1	Revise Emergency Procedures [2]	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
II.D.1.2	RV and SV Test Programs	July 1, 1982	Submit plant-specific report on relief and safety valve program.	Complete.
II.D.1.3	Block Valve Test Program	do	Submit report on results of test program	Do.
II.K.3.30 & 31	SBLOCA Analysis [2]	1 yr. after staff approval of model.	Submit plant specific analyses	To be determined following staff approval of model.
III.A.1.2	Staffing Levels for Emergency Situations [2].	Superseded by SECY 82-111	Reference SECY 82-111, Requirements for Emergency Response Capability.	To be determined.
III.A.1.2	Upgrade Emergency Support Facilities [2]	do	do	Do.
III.A.2.2	Meteorological Data	do	do	Do.
III.D.3.4	Control Room Habitability	To be determined by licensee	Modify facility as identified by licensee study	Jan. 1, 1984.

[1] Where completion date refers to a refueling outage (the estimated date when the outage begins), the item will be completed prior to the restart of the facility.
[2] Not Part of Confirmatory Order

[FR Doc. 83-20508 Filed 7-27-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Invitation for Public Comment on Proposed Supplement No. 2 to OFPP Policy Letter 80-2, Subcontracting Under Federal Contracts

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget.

ACTION: Request for comment on proposed Supplement to OFPP Policy Letter.

SUMMARY: The Office of Federal Procurement Policy is requesting public comment on the following proposed Supplement to an OFPP Policy Letter. The Supplement authorizes departments and agencies, under appropriate circumstances, to relieve a prime contractor of its responsibility for reviewing and approving a subcontractor's plan.

DATE: Written comments must be received on or before September 15, 1983.

ADDRESS: Comments are to be submitted to the Office of Federal Procurement Policy, Office of Management and Budget, Room 9025, New Executive Office Building, 726 Jackson Place, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. LeRoy J. Haugh, Associate Administrator for Policy Development, (202) 395-6166.

Donald E. Sowle,

Administrator.

[Policy Letter 80-2, Supplement No. 2]

To the Heads of Executive Departments and Establishments

Subject: Subcontracting Under Federal Contracts

Purpose. To authorize departments and agencies, under appropriate circumstances, to relieve a prime contractor of the responsibility of reviewing and approving a subcontractor's plan.

Background. OFPP Policy Letter 80-2, April 29, 1980, promulgated provisions to be included in contracts which, pursuant to Public Law 95-507 (15 U.S.C. 637(d)), require small business and small disadvantaged business subcontracting plans. Among the statutory requirements of an acceptable subcontracting plan is an assurance that, in stated circumstances, the contractor will provide for flow-down of the subcontracting plan clause to its subcontractors. Policy Letter 80-2 requires, in addition, that the assurance must describe the contractor's procedures for review, approval and monitoring for compliance with such plans. (Paragraph 3d of the clause entitled "Small Business and Small Disadvantaged Business Subcontracting (Negotiated)," as set forth in Policy Letter 80-2.)

Supplement No. 1 to Policy Letter 80-2, May 29, 1981, provided, notwithstanding the last sentence of paragraph 3d of the Policy Letter, that, under certain circumstances, departmental and agency regulations might relieve the prime contractor from the obligation to monitor the compliance of a subcontractor with its subcontract plan.

Policy. Comments received since the issuance of Supplement No. 1 urge that the Policy Letter should also be amended to relieve a prime contractor of the responsibility for reviewing and approving a subcontractor's plan. We have reviewed these comments and believe they have merit. Accordingly, departments and agencies are authorized to provide in their regulations that, in appropriate circumstances, prime contractors may be relieved of the obligation to review and approve subcontracting plans. Such circumstances would include instances where the subcontractor is also performing Government prime contracts and the Government already has a representative either on the scene, or easily available, who is familiar with the subcontractor's small and small disadvantaged business subcontracting program.

Donald E. Sowle,

Administrator.

[FR Doc. 83-20460 Filed 7-27-83; 8:45 am]

BILLING CODE 3110-01-M

PRESIDENT'S ADVISORY COUNCIL ON PRIVATE SECTOR INITIATIVES

Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting sponsored by the President's Advisory Council on Private Sector Initiatives which will be held on August 12, 1983 at 11:00 a.m., in Salon C of the La Guardia Marriott Hotel, 10205 Ditmars Boulevard, East Elmhurst, New York.

The Council was established on June 27, 1983 by Executive Order No. 12427 to advise the President with respect to the objectives and conduct of private sector initiative policies, including methods of increasing public awareness of the importance of public/private partnerships; removing barriers to development of effective social service programs which are administered by private organizations; and strengthening the professional resources of the private social services sector.

This will be the first meeting of the President's Advisory Council on Private Sector Initiatives. The purpose and agenda of the meeting is to discuss the Council's mission and to establish working groups.

The meeting will be open to the public. It is suggested that any member of the public who would like to file an oral or written statement or desires any further information regarding the meeting or the Council, Please contact Mr. Michael Castine, Deputy Director of the White House Office of Private Sector Initiatives at 202/456-6676, or Executive Office Building, Room 134, Washington, DC 20500.

Dated: July 28, 1983.

James K. Coyne,

Special Assistant to the President for Private Sector Initiatives.

[FR Doc. 83-20647 Filed 7-27-83; 8:45 am]

BILLING CODE 3195-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-19984; File No. SR-NYSE-82-20]

Self-Regulatory Organizations; Proposed Rule Change and Amendment by New York Stock Exchange, Inc. Relating to Specialists' Use of Listed Options To Offset the Risk of Making Markets in Specialty Stocks

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), notice is hereby given that on November 12, 1982, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change, as amended on June 20, 1983, 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 person.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to Exchange Rules 102 and 105 to permit odd-lot dealers and specialists to use options issued by the options Clearing Corporation and traded on a national securities exchange ("listed options") to offset the risks of making markets in the stocks in which they are registered. (Today, Rules 102 and 105 are duplicative for all practical purposes since the specialist in a stock is also the Exchange's odd-lot dealer in that stock. Thus, the discussion herein will focus only on Rule 105, with the understanding that such discussion would also be applicable to Rule 102). Revised Rule 105 also provides that the limitations stated therein as to the use of specialty stock options shall not apply where the underlying specialty is not a "covered security" as that term is defined in SEC Rule 19c-3. Revised Rule 105 applies both to specialists and to the specialist's member organization, and any other member, allied member, or approved person in such organization or officer or employee thereof.

The proposed rule change also consists of "Guidelines for Specialists' Specialty Stock Option Transactions Pursuant to Rule 105," which will be used by the Exchange in the administration and enforcement of revised Rule 105.

II.A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to enable Exchange specialists to use listed options to offset the risks of specialty stock positions they have already established. This "offsetting of risk" would be effected by "hedging" transactions, whereby an option position would be established on the opposite side of the market from the existing specialty stock position.

Revised Rule 105 specifies that listed options transactions effected pursuant to the Rule must be made in accordance with the "Guidelines for Specialists' Specialty Stock Option Transactions Pursuant to Rule 105" as promulgated by the Exchange.

Under the Guidelines, a specialist may use listed options to hedge an existing specialty stock position in accordance with specified "hedge ratios." The applicable "hedge ratios" are as follows:

(A) One option contract for each 100-share stock position existing at the time of the acquisition of the option contract, where such option contract is "in the money".

(B) One and one-half option contracts for each 100-share stock position existing at the time of the acquisition of the option contracts, where such option contracts are "at the money".

(C) Two option contracts for each 100-share stock position existing at the time of the acquisition of the option contracts, where such option contracts are no more than one strike price interval "out of the money."

The terms "in the money", "at the money", and "out of the money" are defined in the Guidelines with reference to the relationship of the strike price of the option and the price of the underlying specialty stock.

The Guidelines also provide that specialists must liquidate option positions which exceed the parameters set forth therein, that they must record option postions in a separate "memo" account, that they must report to the Exchange their option transactions and the accounts in which such transactions are effected, that they must preserve for a specified period records of their option transactions, and that they shall not be an options market maker in any option as to which the underlying security is a stock in which the specialist is registered.

The Exchange believes that the proposed rule change is appropriate for two main reasons:

1. By permitting specialists to use listed options to offset market making risks, the proposed rule change will facilitate specialists' taking specialty stock positions they might otherwise not assume, thereby adding to the depth and liquidity of the Exchange market.

2. The proposed rule change will enhance, in part, fair competition and equal regulation among market makers, since market makers in markets other than on the Exchange may currently freely trade listed options on stocks in which they make markets.

Sections 6(b)(5), 6(b)(8), and 11A(a)(1)(C) of the Securities Exchange Act ("the Act") constitute the statutory basis for the proposed rule change. As noted above, the Exchange believes that giving specialists the ability to use listed options to offset their market making risks will enable them to add to overall market liquidity and depth by taking specialty stock positions they might not otherwise assume, or reducing risk on positions they are *required* to assume. This enhanced market quality can be expected to "perfect the mechanism of a free and open market", as called for by Section 11A(a)(1)(C).

To the extent that the proposed rule change removes a barrier to fair competition, as noted above, it promotes the objectives of Section 6(b)(5), which states that the rules of an exchange should not permit "unfair discrimination between . . . brokers or dealers . . ." Removal of the competitive barrier would also promote the purposes of Section 6(b)(8), which states that the rules of an exchange shall "not impose any burden on competition not necessary or appropriate in furtherance of the purposes of ". In addition, removal of the competitive barrier promotes the purposes of Section 11A(a)(1)(C)(ii), which calls for "fair competition among broker and dealers, among exchange markets, and between exchange markets and markets other than exchange markets."

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate to further the purposes of the Act.

In fact, as discussed above, the proposed rule change will enhance competion by permitting Exchange specialists to trade listed options on a somewhat more equal footing with market makers in other market centers, who may currently trade listed options without restrictions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

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 its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. by order approve such proposed rule 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, 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. 522, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the prinicpal office of the abovementioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 45 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 19, 1983.

George A Fitzsimmons,

Secretary.

Exhibit A—Rule 105—Specialists' Interest in Pools and Options

(New Rule 105 to Replace Current Rule 105)

(a) No member acting as a specialist or his member organization or any other member, allied member or approved person in such organization or officer or employee thereof shall be directly or indirectly interested in a pool dealing or trading in a stock in which such member is registered as a specialist, nor shall any such member, member organization, allied member, approved person, officer or employee, directly or indirectly, hold, acquire, grant or have an interest in any option to purchase or sell or to receive or deliver shares of a stock in which such member is registered as a specialist, except as provided in this Rule. The term "listed option" as used herein shall mean an option issued by the Options Clearing Corporation and traded on a national securities exchange.

(b) The term "specialist's account" shall mean the account (whether the individual account of the member registered as a specialist, the account of his member organization or a joint account as permitted by Exchange Rule 94) in which the ordinary trading business of the member as a specialist is conducted. With respect to the stock position in any specialist's account, any specialist or member organization having an interest in such account may hold, acquire, grant or have an interest in listed options to purchase or sell or to receive or deliver shares of such stock only where appropriate to permit such specialist to offset the risk of making a market in the underlying specialty stock. No specialist or member organization having an interest in the specialist's account shall establish or maintain any listed option position which is, (i) excessive in terms of a specialist's existing or reasonably anticipated position in the underlying specialty stock or (ii) excessive in terms of a reasonable estimate or potential loss that might be incurred in relation to any such equity position. Any options transactions effected pursuant to this paragraph (b) shall be made in accordance with the "Guidelines for Specialists' Specialty Stock Option Transactions Pursuant to Rule 105" as promulgated by the Exchange and as may be amended from time to time.

(c) A member, allied member or approved person in the member organization of a specialist and any officer or employee of such organization who has a position in any specialty stock of such specialist in any account (other that the specialist's account) may grant or have an interest in listed options to purchase or sell or to receive or deliver shares of such specialty stock but only to the extent and in the manner that paragraph (b) of the "Guidelines for Specialists' Specialty Stock Option Transactions Pursuant to Rule 105", as promulgated by the Exchange and as amended from time to time, would permit such stock position, were it in a specialist's account, to be offset by such listed options by the interested persons in such account.

(d) This Rule 105 shall not apply to any option to purchase or sell or to receive or deliver shares of stock which is not a "covered security" as that term is defined in SEC Rule 19c–3.

Exhibit B—Rule 102—Options of Odd-Lot Dealers

(New Rule 102 to Replace Current Rule 102)

(a) No odd-lot dealer or his member organization and no other member, allied member or approved person in such organization, or officer or employee thereof, shall acquire, hold or grant, directly or indirectly, any interest in any put, call, straddle or option in any stock in which such odd-lot dealer is registered, except as specified in paragraph (b) below.

(b) An odd-lot dealer or his member organization, and any other member, allied member or approved person in such organization, or officer or employee thereof, may engage in transactions in options where the underlying stock is a stock in which such odd-lot dealer is registered on the same terms and conditions that a specialist, his member organization, and any other member, allied member or approved person in such member organization, or officer or employee thereof, may engage in transactions in options where the underlying stock is specialty stock of the specialist pursuant to Rule 105. An odd-lot dealer engaging in such options transactions shall be subject to all the conditions, limitations and requirements to which a specialist is subject pursuant to Rule 105, and shall

comply with any guidelines that may be adopted from time to time with respect to that Rule.

Exhibit C—Guidelines for Specialist's Specialty Stock

Option Transactions Pursuant to Rule 105

(a) Rule 105 provides that a specialist may use listed options overlying covered securities only where appropriate to offset the risk of making a market in an underlying specialty stock. A specialist may not establish and maintain such an option position which is excessive either: In terms of a specialist's existing position in the underlying specialty stock; or in terms of a reasonable estimate of potential loss that might be incurred in relation to any such equity position.

An option position established pursuant to Rule 105 may not be established by means of a spread, straddle, or other combination of options transaction, where part of the option position thereby established would be on the same side of the market as the specialist's stock position. No opening transaction shall be made in any option contract which is more than one strike price interval "out of the money" as defined below. Generally, an option position which does not exceed the "hedge ratios" shall be conclusively deemed to be in compliance with Rule 105 and these Guidelines.

(b) Hedging an Existing Specialty Stock Position With an Option Position on the Opposite Side of the Market

Concurrent positions in options on one side of the market and in the specialty stock underlying such options on the other side of the market, where the number of option contract does not exceed that permitted by the "hedge ratios" discussed below, shall be deemed to be in compliance with Rule 105.

The applicable "hedge ratios" are as follows:

(1) One option contract for each 100-share stock position existing at the time of the acquisition of the option contract, where such option contract is "in-the-money" as defined below.

(2) One and one-half option contracts for each 100-share stock position existing at the time of the acquisition of the option contracts, where such option contracts are "at-the-money" as defined below.

(3) Two option contracts for each 100-share position existing at the time of the acquisition of the option contracts, where such option contracts are no more than one strike price interval "out-of-the-money" as defined below.

Thus, the number of option contracts that may be used under the "hedge ratio" approach to hedge a position in the underlying specialty stock depends upon the size of the stock position at the time of the acquisition of the option(s) and the strike price of the option(s) in relation to the market price of the stock. Not more than one "in-the-money" option, or one and one-half "at the money" options, or two "out-of-the-money" (by no more than one strike price interval) options to hedge each 100-share specialty stock position may be used. Options at the same strike price, or combinations of options at different strike prices may be used, provided the overall options position thereby established conforms to the hedge ratios. The hedge ratios may be expressed as follows:

- In-the-money option: 1 to 1.
- Aty-the-money option: 1.5 to 1.
- Out-of-the-money option: 2 to 1.

Definitions. For purposes of these Guidelines to administer Rule 105, an "at-the-money" option, whether a put or a call, shall be an option where the price of the underlying specialty stock is: (i) Equal to the strike price of the option, or (ii) greater or less than the strike price of the option by an amount which does not exceed one-half of the strike price interval for that particular option. For example, assume that options with a strike price interval of five points have been opened for trading at strike prices of 45, 50, 55 and 60, and the market price of the underlying stock is 52. The option with a strike price of 50 would be considered "at-the-money" since that strike price is less than one-half the five point price interval below the market price of the stock. In this example where the strike price interval is five points, the option having the strike price of 50 would be "at-the-money" when the market price of the underlying stock is traded at or between 47½ and 52½. If the market price of the underlying stock is *exactly* at the midpoint of the strike price interval, then options having two different strike prices would be considered to be "at-the-money". Thus, in the above example, if the market price of the underlying stock was 52½, then both the 50 and 55 strike price options, both puts and calls, would be "at-the-money".

An "in-the-money" call option shall be any call option whose strike price is less than the lowest strike price of an "at-the-money" call option. An "in-the-money" put option shall be any put option whose strike price is greater than the highest strike price of an "at-the-money" put option. For example, assume that options have been opened for trading at strike prices of 40, 45, 50, 55 and 60 and the market price of the underlying stock is 52. Options with a strike price of 50 would be "at-the-money". Thus, call options with strike prices of 40 and 45, and put options with strike prices of 55 and 60, would in "in-the-money".

An "out-of-the-money" call option shall be any call option whose strike price is greater than the highest strike price of an "at-the-money" call option. An "out-of-the-money" put option shall be any put option whose strike price is less than the lowest strike price of an "at-the-money" put option. However, for purposes of Rule 105, no call option having a strike price which is more than one strike price interval above the highest strike price of a call option which is "at-the-money", and no put option having a strike price which is more than one strike price interval below the lowest strike price of a put option which is "at-the-money" shall be used. For example, assume as above that options have been opened for trading at strike prices of 40, 45, 50, 55 and 60, and the market price of the underlying stock is 52½. Options with a strike price of 50 and 55 would both be "at-the-money". Thus, call options with a strike price of 60, and put options with strike prices of 40 and 45, would be "out-of-the-money". However, of the two put options, only the put option with a strike price of 45 could be used for purposes of Rule 105, because the put option with the strike price of 40 would have a strike price more than five points below the strike price of the put option which is at-the-money and has the lowest strike price of the two put options which are at-the-money.

Opening Options Transactions

Assume that a specialist has a 2,000-share long position in a specialty stock and wishes to use options to offset the risk of loss in that position. The market price of the stock is 52, and options at the following strike prices have been opened for trading: 40, 45, 50, 55 and 60.

Since the specialist is long the stock, he may hedge his position either by writing calls or by buying puts. (If the specialist had a short position in the specialty stock, he could hedge by buying calls or writing puts.)

In writing calls, the specialist could use the hedge ratios as follows:

- 20 call options with a strike price of 45 or 40 or
- 30 call options with a strike price of 50 or
- 40 call options with a strike price of 55.

The specialist could also combine different series of call options, such as:

• 10 call options with a strike price of 45 to hedge 1,000 shares and

• 9 call options with a strike price of 50 to hedge 600 shares and

• 8 call options with a strike price of 55 to hedge 400 shares.

The same principles would apply to opening transactions involving put options.

(c) Liquidating An "Excess" Option Position on the Opposite Side of the Market from the Underlying Specialty Stock Position

Where a specialist's position in an underlying specialty stock changes by more than 25 percent from that which existed when an offsetting option position was established, with the result that the specialist's option position, while still on the opposite side of the market from the specialty stock position, then exceeds that permitted by the hedge ratios, the specialist shall take or cause to be taken, prompt action to liquidate all options which exceed the number permitted by the hedge ratios.

"Prompt action" shall mean that the specialist shall enter an order, not later than two hours from the time the specialist knew, or should have known, that he was required to take action to liquidate an "excess" option position resulting from a change of more than 25 percent in the size of the specialist's stock position from that which existed when an offsetting option position was established.

Notwithstanding the above, where a specialist's stock position changes by more than 25 percent from that which existed when an offsetting option position was established, with the result that his option position exceeds that permitted by the hedge ratios by ten or less option contracts, the specialist shall not be required to liquidate any such "excess" options. The specialist shall not be required to liquidate any option position which exceeds that permitted by the hedge ratios where the specialist's stock position has not changed by more than 25 percent from that which existed when such option position was established.

The point in time to be observed in taking any liquidation action required by this paragraph (c) is the time of order entry, not necessarily the time when the order is actually executed. In liquidating an "excess" option position, the specialist shall not be required to send to the Floor of an options exchange an order immediately executable "at the market", but may, if he so chooses, send to the Floor of an options exchange an order that may be "worked" by an independent broker according to his "broker's judgement" to obtain "best execution". The specialist shall not, however, give specific instructions to such independent broker as to how the order is to be "worked." If, while the order is being "worked", the specialist's stock position changes such that it does not exceed by more than 25 percent that which existed when the offsetting option position was established, the liquidation order or the unexecuted portion of the order may be cancelled.

When, as a result of a more than 25 percent change in the size of the specialist's stock position from that which existed when an offsetting option position was established, the specialist has had to liquidate an "excess" option position, the specialist shall be deemed thereby to have established a new offsetting stock/option position pursuant to Rule 105 and these Guidelines. Should the stock position continue to change in the same direction, any subsequent required liquidation action shall be taken when the stock position changes by more than 25 percent from that which existed when the new offsetting position was established.

Example 1

Assume that a specialist had a 10,000 share long specialty stock position which he hedged by writing 100 in the money calls. Subsequently, the specialist's stock position declined to 8,000 shares long, but the specialist maintained the 100-contract in the money option position. The specialist's option position would now exceed that permitted by the hedge ratios by 20 contracts. However, no liquidation action would be required because the specialist's stock position did not change by more than 25 percent from that which existed when the offsetting option position was established.

Example 2

Assume that a specialist had a 10,000 share long specialty stock position which he hedged by writing 100 in the money calls. Subsequently, the specialist's stock position declined to 6,000 shares long, but the specialist maintained the 100-contract in the money option position. In this situation, the specialist's stock position has now changed by more than 25 percent from that which existed when the offsetting option position was established. The specialist's option position now exceeds that permitted by the hedge ratios by 40 contracts.

The specialist would be required to enter an order to liquidated 40 option contracts within two hours from the time that he knew, or should have known, that his stock position changed by more than 25 percent from that which existed when the 100-contract offsetting option position was established.

If, in this example, the specialist's stock position continued to decline, the next liquidation action would be taken with reference to a change of 25 percent or more in the 6,000 share stock position.

Example 3

Assume that a specialist had a 2,000 share long specialty stock position which he hedged by writing 20 in the money calls. Subsequently, the specialist's stock position declined to 1,200 shares long, but the specialist maintained the 20-contract in the money option position. In this situation, the specialist's stock position has now changed by more than 25 percent from that which existed when the offsetting option position was established. However, no liquidation action would be required because the total number of option contracts in excess of that permitted by the hedge ratios is only 8.

(d) Liquidating an Option Position on the Same Side of the Market as the Underlying Specialty Stock Position

Where a specialist's position in an underlying specialty stock changes such that it becomes "flat" (i.e., no position) or it becomes on the same side of the market as an offsetting option position established pursuant to Rule 105 and these Guidelines, the specialist shall take, or cause to be taken, prompt action to liquidate such option position.

"Prompt action" shall mean that the specialist shall enter an order to liquidate his option position not later than one hour from the time the specialist knew, or should have know, that his stock position became "flat" or on ths same side of the market as his option position.

Notwithstanding the above, the specialist shall not be required to take liquidation action where the total number of options in his option position is 10 or less.

The point in time to be observed in taking any liquidation action required by this paragraph (d) is the time of order entry, not necessarily the time when the order is actually executed. The specialist may enter a "working" order along the same lines as discussed in paragraph (c) above.

Example 4

Assume that a specialist had a 2,000 share long position which he hedged by writing 20 in the money calls. Subsequently, his stock position became 1,000 shares short. His stock and option positions would now be on the same side of the market, and he would be required to enter an order to liquidate

his 20-contract option position not later than one hour from the time he knew, or should have known, that his stock position was no longer on the opposite side of the market from his option position. If, in this example, the specialist had written 10 or less option contracts, he would not have been required to take any liquidation action.

(e) *Prohibition Against Front-Running of Blocks*

In Information Memo No. 80-38 (September 11, 1980), the Exchange advised all members and member organizations that they should not trade in options or in underlying securities by taking advantage of their possession of material, non-public information concerning block transactions in these securities. The Exchange noted that it would be improper for a member or person associated with a member who has knowledge of a block transaction in any security underlying an option or of a block transaction in the option covering that security, before information concerning the block transaction has been made publicly available, to take advantage of the non-public information in his possession and execute or cause to be executed an order (1) to buy or sell an option, while in possession of non-public information concerning a block transaction in the underlying stock, or (2) to buy or sell an underlying security, while in possession of non-public information concerning a block transaction in an option covering that security, for an account in which such member or associated person has an interest or for an account with respect to which such member or associated person exercises investment discretion. The prohibitions against front-running stated in Information Memo No. 80-38 shall take precedence over any requirements stated in Rule 105 and these Guidelines. Thus, a specialist may not establish an offsetting option position in a specialty stock if he is in possession of material, non-public information concerning a block transaction in such stock. A specialist may not liquidate an option position otherwise required to be liquidated pursuant to paragraphs (c) and (d) of these Guidelines if he is in possession of material, non-public information concerning a block transaction in the underlying specialty stock.

(f) *Recording of Option Positions*

Any option position relating to a specialist's account and established and maintained pursuant to Rule 105 shall be recorded for bookkeeping purposes in a separate "memo" account. The specialist's specialty stock position, and any changes thereto, existing at any time during which a specialist has such an option position shall also be recorded in such account.

(g) *Reporting of Accounts*

In a manner prescribed by the Exchange, each specialist shall file with the Division of Market Surveillance Services and keep current a list identifying all accounts in which the specialist, his member organization, or any other member, allied member or approved person of such member organization or any officer of employee thereof has a direct or indirect interest and in which are effected options transactions in which any of his specialty stocks (other than such stocks as are not "covered securities") is the underlying security. No such specialist, member organization, member, allied member, approved person, officer or employee shall engage in options transactions in which any of the such stocks of any such specialist is the underlying security in any account which has not been reported to the Exchange.

(h) *Reporting of Transactions*

In the event that any specialist, his member organization, or any other member, allied member or approved person in such member organization or officer or employee of such member organization engages in any option transaction in which any specialty stock of the specialist (other than such stocks as are not "covered securities") is the underlying security, such specialist, person or party shall submit to the Division of Market Surveillance Services, on such form or forms as the Exchange may prescribe, such information concerning such option transaction, as the Exchange may require.

(i) *Preservation of Records*

Each specialist shall preserve or cause to be preserved for at least three years, the first two years of which shall be in an easily accessible place, a record of every purchase or sale of any option on any of his specialty stocks, (other than such stocks as are not "covered securities") which purchase or sale is effected by such specialist, his member organization, or any other member, allied member or approved person in such member organization or officer or employee thereof. Such record shall include the terms of the purchase or sale order, the time at which the order was entered for execution and the time at which a report of execution of such order was received by the person who entered such order.

(j) *Specialist Shall Not Be Options Market-Maker*

No specialist, his member organization, other member, allied member or approved person in such member organization or officer or employee thereof shall act as an options market-maker or options specialist, or function in any capacity involving market-making responsibilities, in any option as to which the underlying security is a stock in which the specialist is registered as such.

[FR Doc. 83-20458 Filed 7-27-83; 8:45 am]
BILLING CODE 8010-1-M

SMALL BUSINESS ADMINISTRATION

Preferred Lenders Pilot Program

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: The Small Business Administration has decided to expand the Preferred Lenders Pilot Program into three of the six States in Region V (IL, IN, MI, MN, OH and WI). The program allows certain lenders to approve and issue Small Business Administration loan guaranties without prior approval of SBA. The program is more fully explained on page 7667 in the **Federal Register**, Vo. 48, No. 37, February 23, 1983. The lenders participating in the Region V pilot from the State of Illinois will be Busey First National Bank (Urbana), South Shore Bank of Chicago, and Continental Illinois National Bank and Trust Company of Chicago and its wholly owned affiliate Continental Bank of Buffalo Grove; from the State of Ohio will be Bank One of Columbus, N.A., BancOhio National Bank (Columbus), and Mid-American National Bank and Trust Company (Bowling Green); from the State of Wisconsin will be First Wisconsin National Bank of Milwaukee, Marine Bank, N.A. (Milwaukee), Bank of Commerce (Milwaukee), and Security First National Bank of Sheboygan.

At this time, it is planned that the pilot program will terminate on or before May 31, 1984. By that time SBA plans to have completed an evaluation of the program and made a decision regarding nationwide implementation.

FOR FURTHER INFORMATION CONTACT: Dan Gibb, Chief, Financial Institutions Branch, (202) 653-6076 or Jim Hammersley, Financial Analyst, (202) 653-6268, Small Business Administration, Room 720, 1441 L Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.012, Small Business Loans)

James C. Sanders,
Administrator.

[FR Doc. 83-20612 Filed 7-27-83; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 83-046]

Rehoboth Avenue Bridge Replacement; Public Hearing

AGENCY: Coast Guard, DOT.

ACTION: Notice of public hearing.

SUMMARY: Notice is hereby given that the Commandant has authorized a public hearing be held by the Commander, Third Coast Guard District in conjunction with the Federal Highway Administration and the State of Delaware, at Rehoboth Beach, Delaware. The purpose of the hearing is to consider an application from the State of Delaware to replace the existing Rehoboth Avenue bridge across the Lewis-Rehoboth Canal, mile 6.7 at Rehoboth Beach, Delaware. All interested persons may present data, views and comments orally or in writing concerning the impact of the proposed bridge on the environment and its effect on navigation. The Federal Highway Administration is the lead federal agency and has prepared an Environmental Assessment for the proposed bridge replacement.

DATE: August 24, 1983, from 7:30 p.m. until all speakers in attendance wishing to comment have provided comments.

ADDRESS: Rehoboth Junior High School, Stokley Street, Extension and Silver Lake, Rehoboth Beach, Delaware.

FOR FURTHER INFORMATION CONTACT: William Heming, Chief, Bridge Section, Third Coast Guard District, Governors Island, New York, New York 10004; (212-668-7165).

SUPPLEMENTARY INFORMATION: The character of the proposed work is to replace the existing bascule bridge on essentially the same location with either a fixed 35 foot vertical clearance or with a movable span bridge. The State of Delaware is also considering the construction of a temporary bridge during the replacement of the permanent structure. The preliminary proposed vertical clearance for the temporary bridge is 20 to 24 feet above mean high water. The bridge will span the entire waterway. The final clearances for the temporary bridge will be based on comments received during this public hearing and on information obtained on previous investigations. In order to accommodate the passage of vessels during the construction of the permanent bridge, the following options are under consideration:

1. Lift the temporary Bailey bridge one weekend each month during the boating season. This bridge lifting, and others discussed below, would allow the passage of vessels requiring 35 feet or less.

2. Lift the temporary bridge, during the week, one or more days per month during the boating season.

3. Lift the temporary bridge for special events when a large number of vessels will be transiting the area.

4. Lift the temporary bridge early in the morning prior to most vehicular traffic. This could occur either on a weekday or a weekend one or more days per month.

Specific comments are requested on the above options. It is important to recognize that these options are preliminary in nature and have not been committed to by the Federal Highway Administration, the State of Delaware, or the City of Rehoboth Beach. The final decision regarding the potential implementation of these options will be based upon comments received, costs, traffic impacts and engineering considerations. All comments to be presented at the scheduled hearing will be made a part of the record and will be given full consideration in permitting process. Presentations should include factual data to support comments received.

The hearing will be informal. A Coast Guard representative will preside at the hearing, make a brief opening statement describing the proposed bridge, and announce the procedures to be followed at the hearing. Each person who wishes to make an oral statement should notify the Commander (oan-br), Third Coast Guard District at the above address prior to the hearing date. Such notification should include the approximate time required to make the presentation. A transcript will be made of the hearing and may be purchased or reviewed by the public in the Third Coast Guard District Offices approximately 30 days after the hearing date.

Interested persons who are unable to attend the hearing may also participate in the consideration of this bridge permit application by submitting their comments, in writing, on or before August 24, 1983 to the Commander (oan-br), Third Coast Guard District. Each comment should state the reasons for any objections, comments or proposed changes to the plans, and the name and address of the person or organization submitting the comment.

Copies of all written communications will be available for examination by interested persons at the Office of the Commander (oan-br), Third Coast Guard District. All comments received will be considered before final action is taken on the proposed bridge permit application.

(Sec. 502, Act of August 2, 1946, as amended; 33 U.S.C. 525, 49 U.S.C. 1655 (G)(6)(C); 49 CFR 1.46(c)(10))

Dated: July 25, 1983.

T. J. Wojnar,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 83-20524 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Federal Aviation Advisory Committee; Establishment

Notice is hereby given of the establishment of the Federal Aviation Advisory Committee as a Federal advisory committee. The committee will report to the Administrator, Federal Aviation Administration (FAA). The Associate Administrator for Development and Logistics, FAA, is the sponsor.

Objectives of the committee are to provide the FAA with independent expert advice on the nature, scope, and direction of its technical planning efforts related to improved capabilities of the National Airspace System and the capacity and safety of the Nation's airports. The committee will be composed of seven members including the FAA Administrator; the remaining members have been selected on the basis of recognized expertise and ability to contribute significant advice in areas relating to air transportation safety and efficiency.

The Secretary of Transportation has determined that the committee is necessary in the public interest in connection with the performance of duties imposed on the FAA by law. Except as provided in Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App I), meetings of the Federal Aviation Advisory Committee will be open to the public.

Issued in Washington, D.C. on July 15, 1983.

A. P. Albrecht,

Associate Administrator for Development and Logistics.

[FR Doc. 83-20072 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 137—Airborne Area Navigation Systems; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA

Special Committee 137 on Airborne Area Navigation Systems to be held on August 17–19, 1983, in the RTCA Conference Room, One McPherson Square, 1425 K Street, N.W., Suite 500, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Thirteenth Meeting Held on May 17–19, 1983; (3) Discuss European Organization for Civil Aviation Electronics (EUROCAE), Working Group 13, Eighth Draft Report on Minimum Operational Performance Standards for Area Navigation Systems Based on Two DME Sensors; (4) Reports by Chairmen on Status of LORAC–C and Omega/VLF Minimun Operational Performance Standards; (5) Review Fifth Draft of Committee Report on Minimum Operational Performance Standards for Multi-Sensor Based Area Navigation Equipment; (6) Assignment of Tasks; and (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on July 19, 1983.

Karl F. Bierach,

Designated Officer.

[FR Doc. 83–20074 Filed 7–27–83; 8:45 am]

BILLING CODE 4910–13–M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 151—Airborne Microwave Landing System Area Navigation Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 151 on Airborne Microwave Landing System (MLS) Area Navigation Equipment to be held on August 15–16, 1983, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the First Meeting Held on May 10–11, 1983; (3) Discussion of Navigation Accuracy in Terminal Maneuvering Areas; (4) Review Draft Section 1 and the Operational Scenario Appendix to the Committee Report on Minimum Operational Performance Standards for Airborne MLS Area Navigation Equipment; (5) Finalize the Committee Work Program and Schedule for Accomplishment; (6) Assignment of Tasks; and (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on July 19, 1983.

Karl F. Bierach,

Designated Officer.

[FR Doc. 83–20073 Filed 7–27–83; 8:45 am]

BILLING CODE 4910–13–M

Organization Statement

This Statement describes the organization of the Federal Aviation Administration, an operating administration of the Department of Transportation. The description of the structure of the Department and its other operating administrations is published separately. Regulations of the Secretary of Transportation that apply to all operating administrations of the Department or contain delegations to them by the Secretary are published in the Code of Federal Regulations, Title 49, Subtitle A.

This statement supersedes the Organization Statement of the Federal Aviation Agency (30 FR 3395; 30 FR 8728; 31 FR 838). It is issued under 5 U.S.C. 552(a)(1)(A). It reflects the status as of the date of issue. Changes after this cut off will be published as amendments.

Thad T. Uehling,

Acting Director of Management Systems.

Issued in Washington, D.C., on July 18, 1983.

Federal Aviation Administration Basic Organization Structure Organization of the Federal Aviation Administration

Part I—General Description

1. Authority
2. Mission
3. Functions and Activities
   (a) Safety Regulation
   (b) Airspace and Air Traffic Management
   (c) Air Navigation Facilities
   (d) Research and Development
   (e) Airport Planning and Development Programs
   (f) Registration and Recordation
   (g) Civil Aviation Abroad
   (h) Other Programs
4. Organization Pattern
   (a) Washington Headquarters
   (b) Regions
   (c) Special Organizational Complexes
5. Requests for Information; Submittals

Part II—The FAA Organization

1. Organization of FAA Headquarters
2. Office of the Administrator
   (a) The Administrator
   (b) The Deputy Administrator
3. The Air Traffic Service
4. The Associate Administrators
   (a) The Associate Administrator for Airports
   (b) The Associate Administrator for Administration
   (c) The Associate Administrator for Aviation Standards
   (d) The Associate Administrator for Development and Logistics
   (e) The Associate Administrator for Policy and International Aviation
5. Specific Offices and Services
   (a) Staff Offices Reporting to the Administrator
      (1) Office of the Chief Counsel
      (2) Office of Civil Rights
      (3) Office of Public Affairs
   (b) Offices Under Executive Direction of the Associate Administrator for Airports
      (1) Office of Airport Planning and Programming
      (2) Office of Airport Standards
      (3) Metropolitan Washington Airports
   (c) Offices and Services Under Executive Direction of the Associate Administrator for Administration
      (1) Office of Accounting
      (2) Acquisition and Materiel Service
      (3) Office of Budget
      (4) Office of Labor Relations
      (5) Office of Management Systems
      (6) Office of Personnel and Training
   (d) Offices Under Executive Direction of the Associate Administrator for Aviation Standards
      (1) Office of Airworthiness
      (2) Office of Aviation Medicine
      (3) Office of Aviation Safety
      (4) Office of Civil Aviation Security
      (5) Office of Flight Operations
      (6) Rotorcraft Program Office
      (7) Aviation Standards National Field Office
   (e) Offices and Services Under Executive Direction of the Associate Administrator for Development and Logistics
      (1) Progam Engineering and Maintenance Service
      (2) Systems Engineering Service
      (3) Advanced Automation Program Office
      (4) FAA Technical Center
   (f) Offices Under Executive Director of the Associate Administrator for Policy and International Aviation
      (1) Office of Aviation Policy and Plans
      (2) Office of Environment and Energy

(3) Office of International Aviation
(4) Europe, Africa, and Middle East Office
6. The Mike Monroney Aeronautical Center
7. The Regions
(a) Office of the Regional Director
(b) Staff

Part III—Location and Geographic Scope of Authority of Principal Offices

1. FAA Headquarters
2. The Mike Monroney Aeronautical Center
3. FAA Technical Center
4. Aviation Standards National Field Office
5. Reginal Headquarters.
6. Metropolitan Washington Airports
7. Europe, Africa, and Middle East Office

Part I—General Description

1. *Authority.* The Federal Aviation Administration (formerly the Federal Aviation Agency) was established by the Federal Aviation Act of 1958. It became a component of the Department of Transportation in 1967 pursuant to the Department of Transportation Act.

2. *Mission.* The Federal Aviation Administration is charged with regulating air commerce in such a manner as to best promote its development and safety and fulfill the requirements of national defense; controlling the use of navigable airspace of the U.S. and regulating both civil and military operations in such airspace in the interest of safety and efficiency of both; promoting, encouraging, and developing civil aeronautics; consolidating research and development with respect to air navigation facilities; installing and operating air navigation facilities; developing and operating a common system of air traffic control and navigation for both civil and military aircraft; and developing and implementing (in coordination with other departmental elements and other Federal agencies) a program to achieve a system solution to the aircraft noise and sonic boom problem.

3. *Functions and Activities.*

(a) *Safety Regulation.* The Administrator issues and enforces rules, regulations, and minimum standards relating to the manufacture, operation, and maintenance of aircraft as well as the rating and certification (including medical) of airmen and the certification of airports serving air carriers certified by the Civil Aeronautics Board. The agency performs flight inspection of air navigation facilities in the U.S. and, as required, abroad.

(b) *Airspace and Air Traffic Management.* The safe and efficient utilization of the navigable airspace is a primary objective of the agency. To meet this objective, it operates a network of airport traffic control towers, air route traffic control centers, and flight service stations. It develops air traffic rules and regulations and allocates the use of the airspace. It also provides for the security control of air traffic to meet national defense requirements.

(c) *Air Navigation Facilities.* The agency is responsible for the location, construction or installation, maintenance, and operation of Federal visual and electronic aids to air navigation. It operates and maintains communications equipment, radio teletype circuits, and equipment at flight service stations, air traffic control towers, and air route traffic control centers.

(d) *Research and Development.* The research and development activities of the agency are directed toward providing the systems, procedures, facilities, and devices needed for a safe and efficient system of air navigation and air traffic control to meet the needs of civil aviation and the air defense system. The agency is also involved in developing and testing improved aircraft, engines, propellers, and appliances.

(e) *Airport Planning and Development Programs.* The agency administers programs to identify the type and cost of development of public airports required for a national airport system and to provide grants of funds to assist public agencies in airport system planning, airport master planning, and public airport development.

(f) *Registration and Recordation.* The agency provides a system for the registration of an aircraft's nationality, its engines, propellers, and appliances, as well as a system for recording aircraft ownership.

(g) *Civil Aviation Abroad.* Under the Federal Aviation Act and the International Aviation Facilities Act of 1948, the agency promotes civil aviation abroad by the assignment of technical groups, the training of foreign nationals, and the exchange of information with foreign governments. It provides techncial representation at international conferences, including participation in the International Civil Aviation Organization and other international organizations.

(h) *Other Programs.* The agency administers the aviation insurance and aircraft loan guarantee programs. It is an allotting agency under the Defense Materials System with respect to priorities and allocation for civil aircraft and civil aviation operations. The agency develops specifications for the preparation of aeronautical charts. It publishes current information on airways and airport service and issues technical publications for the improvement of safety in flight, airport planning and design, and other aeronautical activities.

4. *Organization Pattern.* The Federal Aviation Act of 1958 provides for an Administrator and a Deputy Administrator who must be citizens of the United States and have experience in a field directly related to aviation. The Act provides that the Administrator may organize the agency, appoint officers and employees, define their authority and duties, and delegate authority to them. The agency consists of two basic administrative levels of organization and five special organizational complexes:

(a) The Washington headquarters, which is responsible for agencywide program planning, direction, control, and evaluation, and for conducting certain operational activities that can best be performed centrally.

(b) Regions, each under a director who is responsible for directing the agency's field operations within assigned geographic boundaries.

(c) The Mike Monroney Aeronautical Center in Oklahoma City, and the FAA Technical Center, near Atlantic City, where certain centralized activities are conducted; the Aviation Standards National Field Office, a major field element in Oklahoma City, responsible for flight inspection and procedures as well as aircraft fleet maintenance; the Metropolitan Washington Airports located near Washington, D.C., which directs the operation of Federally owned civil airports serving the District of Columbia and vicinity; and a Europe, Africa, and Middle East Office headquartered in Brussels, Belgium, which has responsibility for FAA programs and policy in its assigned area.

5. *Requests for Information; Submittals.* Requests for further information on the organization or activities of the agency may be addressed, in writing or by telephone, to the Office of Public Affairs (Public Information Center, APA-430), Federal Aviation Administration, Department of Transportation, 800 Independence Avenue, SW, Washington, D.C., 20591. Telephone: (202) 426-8058. Submittals and requests that are not required to be made at a place established in a regulation, or by a communication to the interested person, may be addressed in writing to the nearest regional office of FAA. The addresses of these offices are listed in Part III of this Statement.

Part II—The FAA Organization

1. *Organization of FAA Headquarters:* The FAA headquarters consists of:

(a) The Office of the Administrator, which includes the Administrator and the Deputy Administrator.

(b) The Air Traffic Service, which is responsible for the operation of the Air Traffic Control System.

(c) Associate administrators who:

(1) Advise and assist the Administrator and the Deputy Administrator in directing, coordinating, controlling, and ensuring the adequacy of agency plans and programs within their spheres of responsibility.

(2) Exercise executive direction over offices or services assigned to them.

(3) Take action and issue orders in the name of the Administrator.

(d) Offices reporting directly to the Administrator.

(e) Offices and services under the executive direction of the individual Associate Administrators.

2. *Office of the Administrator:* The Office of the Administrator is responsible for overall planning, direction, and control of agency activities, and for executive relationships with the Secretary and the Deputy Secretary of Transportation, the assistant secretaries, the heads of other operating elements, the Congress, other agencies, the aviation community, and the public.

(a) The Administrator:

(1) Determines and establishes agency objectives and priorities.

(2) Guides the development of and approves long-range plans for achieving agency objectives.

(3) Establishes the policies and broad technological, operational, and managerial concepts to govern the development and accomplishment of agency programs based on approval plans.

(4) Issues agency rules and regulations, or authorizes their issuance pursuant to delegations of authority.

(5) Approves broad legislative, budgetary, and fiscal proposals.

(6) Represents the agency in its relations with the Secretary of Transportation, and as entity of the Department of Transportation, in its relations with the President, the Congress, other agencies, the aviation community, and the general public.

(7) Takes individual actions of major significance, such as changes in the basic pattern of FAA organization, the selection and appointment of key personnel, the broad allocation of agency resources, and individual matters of particular political or public sensitivity.

(8) Exercises control over, evaluates, and takes steps to ensure the adequacy and continued improvement of overall agency performance.

(b) The Deputy Administrator participates with and assists the Administrator in the overall planning, direction, coordination, and control of agency programs. Subject to policies, standards, and instructions issued by the Administrator, the Deputy Administrator is authorized to represent the Administrator and exercise the Administrator's full authority. All authority delegated by the Administrator to any element in the agency is also delegated to the Deputy Administrator, unless otherwise specifically provided. The Deputy Administrator act s for and exercises all of the powers of the Administrator during the Administrator's absence or disability.

3. *The Air Traffic Service.* The Air Traffic Service provides for the management of civil and military air traffic in the navigable airspace by developing and recommending national policies and establishing national programs, regulations, standards, and procedures for management of the airspace, operation of air navigation and communications systems and facilities, separation and control of, and flight assistance to, air traffic; provides for the security control of air traffic to meet the national defense requirements; operates the agency national and international flight information and cartographic programs; develops and coordinates U.S. policies, standards, and procedures related to operational telecommunications services based on agency policy, standards, and guidelines.

4. *The Associate Administrators:*

(a) *The Associate Administrator for Airports* advises and assists the Administrator in directing, coordinating, controlling, and ensuring: the adequacy of the substantive aspects of FAA rulemaking actions relating to the certification of airports and the administration of Airport Improvement Program grants; the adequacy of the technical standards, plans, and programs for the development of a national integrated system of airports and for the improvement of safety in airport operations; and the adequacy of programs and operating policies for the planning, construction, operation, maintenance, and development of Federally owned civil airports serving the District of Columbia and vicinity. In the discharge of these responsibilities, the Associate Administrator exercises executive direction over the Office of Airport Planning and Programming, the Office of Airport Standards, and Metropolitan Washington Airports.

(b) *The Associate Administrator for Administration* advises and assists the Administrator in directing, coordinating, controlling, and ensuring the adequacy of agency plans and programs for administrative management, budget and financial management, personnel and training, program performance appraisal, procurement, and property management. In the discharge of these responsibilities, the Associate Administrator exercises executive direction over the Office of Accounting, the Acquisition and Materiel Service, the Office of Budget, the Office of Labor Relations, the Office of Management Systems, and the Office of Personnel and Training.

(c) *The Associate Administrator for Aviation Standards* advises and assists the Administrator in directing, coordinating, controlling, and ensuring the adequacy of: The substantive aspects of agency rulemaking actions relating to the safety of flight, the nonmedical certification of airmen, the certification of air carriers, air agencies, and aircraft and the aircraft registry; plans and programs covering the airworthiness of aircraft, competence of airmen, air agencies, air carriers; flight procedures and the operation and maintenance of agency aircraft; investigations in support of the agency mission, internal security, prevention of aircraft hijacking, aviation sabotage, and related criminal acts against air transportation; and the policy execution and administrative management aspects of the airman medical certification, medical research, aeromedical education, medical accident investigation, airman medical standards, and occupational health programs. In the discharge of these responsibilities, the Associate Administrator exercises executive direction over the Office of Airworthiness, the Office of Aviation Safety, the Office of Civil Aviation Security, the Office of Flight Operations, the Rotorcraft Program Office, and the Aviation Standards National Field Office, as well as policy execution and administrative management authority over the Office of Aviation Medicine.

(d) *The Associate Administrator for Development and Logistics* advises and assists the Administrator in directing, coordinating, controlling, and ensuring: the adequacy of agency plans and programs for all research and advanced development, applied development, system engineering, production, implementation, maintenance, and field support of all systems that comprise the National Airspace System (NAS); the engineering adequacy of research and development efforts related to airport design and construction, aviation security, and aircraft safety; the

development of technical and maintenance standards, policies, plans, and programs for engineering associated with NAS modernization, development, installation, and maintenance; ensuring the adequacy of the test and evaluation and configuration management of all development, installation, and maintenance programs; the adequacy of human factors research and development programs, the emergency operations of the agency, and agency telecommunications policies, planning standards, and technical standards; and technical coordination and liaison of agency engineering and development programs with those of industry and other Government agencies. In the discharge of these responsibilities, the Associate Administrator exercises executive direction over the Program Engineering and Maintenance Service, the Systems Engineering Service, the Advanced Automation Program Office, and the FAA Technical Center.

(e) *The Associate Administrator for Policy and International Aviation* advises and assists the Administrator in directing, coordinating, controlling, and ensuring the adequacy of national and international aviation system policies, goals, and priorities; develops and recommends national aviation policy relating to environmental and energy programs and regulatory matters; develops and recommends long-range systemwide master plans and aviation system concepts; coordinates and integrates the agency planning efforts; develops, coordinates, recommends, and promulgates statements of agency policy, goals, and priorities (both short- and long-range) and related achievement indicators; ensures the continuous coordination of such policies, goals, and overall plans with the Office of the Secretary of Transportation; provides the focal point for aviation public/government participation in policy development and planning processes; identifies future demands for aviation services, forecasting aviation technology, and future operational environments; reviews and analyzes proposed agency actions which significantly impact upon the national aviation system to identify the social, economic, or other consequences which are associated with agency actions and to ensure consideration of all feasible alternative agency policies and plans; conducts technical reviews of major programs to provide a continuous intensive appraisal of technical accomplishments, program costs, and schedule compliance, ensures continuous and effective liaison and coordination of agency long-range planning with the Department of Defense; and ensures continuous and effective liaison with foreign governments and the adequacy of programs an operating policies of the Europe, Africa, and Middle East Office within its assigned geographic jurisdiction. In the discharge of these responsibilities, the Associate Administrator exercises executive direction over the Office of Aviation Policy and Plans, the Office of Environment and Energy, the Office of International Aviation, and the Europe, African and Middle East Office.

5. *Specific Offices and Services:*

(a) *Staff Offices Reporting to the Administrator.* These offices are concerned with staff aspects of the agency's operation including the provisions of specialized advice, assistance, and services to the agency in their functional areas.

(1) *Office of the Chief Counsel.* The Office of the Chief Counsel provides legal counsel and advice for the handling of all legal matters with which the agency is concerned, in order to ensure conformance with all legal requirements of all applicable laws, rules, regulations, and orders.

(2) *Office of Civil Rights.* The Office of Civil Rights assists, represents, and acts as principal advisor to the Administrator on civil rights and equal opportunity matters so as to assure full and affirmative implementation of civil rights and equal opportunity precepts within the agency in all official actions. This includes: agency employment practices; services rendered to the public; operation of Federally assisted activities; and other programs or efforts involving agency assistance, participation, or endorsement.

(3) *Office of Public Affairs.* The Office of Public Affairs is the principal spokesperson for the agency. It initiates and participates in the execution of coordinated information plans and programs. The office insures that programs, policies, objectives, and all relevant information concerning FAA are consistently presented to the public, aviation community, and agency employees in a factual, dignified, and timely manner.

(b) *Offices Under Executive Direction of the Associate Administrator for Airports:*

(1) *Office of Airport Planning and Progamming.* The Office of Airport Planning and Programming serves as the principal organization of the agency responsible for all airports program matters pertaining to national airport planning, evironmental and social requirements, airport improvement grants, property transfers, and ensures the adequacy of the substantive aspects of agency rulemaking actions relating to these programs.

(2) *Office of Airport Standards.* The Office of Airport Standards serves as the principal organization of the agency responsible for all airport program matters pertaining to standards for airport design, construction, maintenance, operation, safety, and data, including ensuring adequacy of the substantive aspects of agency rulemaking actions relating to the certification of airports.

(3) *Metropolitan Washington Airports.* The Metropolitan Washington Airports plans, constructs, operates, and maintains Federally owned civil airports serving the District of Columbia and vicinity.

(c) *Offices and Services Under Executive Direction of the Associate Administrator for Administration.*

(1) *Office of Accounting.* The Office of Accounting provides accounting, financial advisory, and audit liaison services to the Administrator and other top management and operating officials; develops, recommends policy for, and evaluates agency-wide accounting systems; administers an audit liaison program and a financial advisory services program; and conducts the accounting operations program for the agency headquarters.

(2) *Acquisition and Materiel Service.* The Acquisition and Materiel Service plans, monitors, controls, and implements the scheduling and acquisition of materiel and equipment for the National Airspace System and for international programs; provides for the procurement and management of real and personal property and transportation and supply support for agency programs; and provides office services to Washington headquarters.

(3) *Office of Budget.* The Office of Budget ensures that agency budgetary needs are accurately identified and defined, that they are effectively presented to the Office of the Secretary of Transportation, the Office of Management and Budget, and Congressional committees, and that funds and other resources available to the agency are effectively utilized.

(4) *Office of Labor Relations.* The Office of Labor Relations serves as the principal organization of the agency regarding relationships with labor organizations and professional societies, and for the development, issuance, guidance, evaluation and program control of policies, standards, procedures and systems for adverse

actions, grievances, appeals, conduct, and discipline.

(5) *Office of Management Systems.* The Office of Management Systems develops and administers the implementation and operation of agency organizational plans, management systems and controls, and administrative standards and procedures; evaluates their adequacy and promotes their improvement in terms of the effectiveness and economy of FAA program performance; and provides data processing, graphics, and publishing services to the Washington headquarters.

(6) *Office of Personnel and Training.* The Office of Personnel and Training serves as the principal organization of the agency for the development, issuance, guidance, evaluation, and program control of personnel and training standards, procedures, and systems; and provides operating personnel, training, and labor relations services to the Washington headquarters.

(d) *Offices Under Executive Direction of the Associate Administrator for Aviation Standards.*

(1) *Office of Airworthiness.* The Office of Airworthiness promotes safety in air commerce by assuring the airworthiness of civil aircraft, including aircraft design type certification, production certification, airworthiness certification, approval of operators' aircraft maintenance programs, airmen certification, air agency certification, and continued airworthiness programs.

(2) *Office of Aviation Medicine.* The Office of Aviation Medicine applies aviation medicine knowledge to the safety and promotion of civil aviation..

(3) *Office of Aviation Safety.* The Office of Aviation Safety promotes safety and safety consciousness in air commerce by conducting investigations of accidents and incidents, evaluating the efficacy of selected programs on safety matters, analyzing trends, conducting special analyses on safety issues, and assisting the Associate Administrator for Aviation Standards in directing, coordinating, controlling, and ensuring the adequacy of the substantive aspects of agency rulemaking actions of elements under the Associate Administrator's executive direction.

(4) *Office of Civil Aviation Security.* The Office of Civil Aviation Security promotes the security of civil aviation, including the prevention of acts of air piracy, aviation sabotage, and related criminal acts, assists law enforcement in their programs for interdiction of dangerous drugs and narcotics into the United States, responds to atmospheric/radiological contamination incidents; promotes the security of agency operations, personnel, facilities, property, and communications by developing and assuring effective implementation of policies, regulations, programs, and procedures; and conducts investigations supporting the agency mission.

(5) *Office of Flight Operations.* The Office of Flight Operations promotes safety of flight of civil aircraft in air commerce by assuring the adequacy of flight procedures and operating methods of air carriers and general aviation operators, and the proficiency of pilots, flight engineers, navigators, dispatchers, and related air agencies.

(6) *Rotorcraft Program Office.* The Rotorcraft Program Office provides management, guidance, oversight, and coordination for all agency rotorcraft programs and activities; and formulates a Rotorcraft Program Plan to guide all agency rotorcraft efforts.

(7) *Aviation Standards National Field Office.* The Aviation Standards National Field Office promotes safety of flight by assuring the adequacy and accuracy of air navigation facilities; development and standardization of flight procedures; maintenance and engineering of the agency aircraft fleet; and provision of regulatory and standards development.

(e) *Offices and Services under Executive Direction of the Associate Administrator for Development and Logistics.*

(1) *Program Engineering and Maintenance Service.* The Program Engineering and Maintenance Service manages, directs, and executes the agency's airway engineering activities and research and development efforts related to airport design and construction, aircraft safety, and aviation security to ensure that the National Airspace System is efficient, economical, and responsive to operational needs. The scope of this responsibility encompasses: conducting research, development, production, construction, installation, maintenance, and logistics support of all air/ground, air traffic control, interfacility, and auxiliary facilities; managing research, development, in support of airport design and construction, aircraft safety, and aviation security activities; and support to the Advanced Automation Program Office.

(2) *Systems Engineering Service.* The Systems Engineering Service identifies and translates user and system requirements, conducts system studies and advanced technology and development activities, designs and plans implementation of system improvements and interfaces, prepares system plans, and provides the system engineering policies and standards to develop and control the configuration, architecture, and plan for the National Airspace System.

(3) *Advanced Automation Program Office.* The Advanced Automation Program Office provides the leadership, management, direction, and coordination within the agency required to specify, develop, acquire, test, and implement a replacement system for the air traffic control automation systems currently located at the domestic en route centers, off-shore centers, terminal facilities, and related support facilities.

(4) *FAA Technical Center.* The FAA Technical Center operates and administers a national test center providing laboratories, facilities, skills, and services responsive to the research, development, implementation, and maintenance programs of the agency; develops, tests, and evaluates new or substantially improved equipment, systems, materials, processes, techniques, and procedures; and performs or participates in research, engineering, and development to provide new or improved techniques or methodologies related to airport designs, layouts, construction and operations, aviation security systems, and for improved or new aircraft safety systems and devices, improved crashworthiness designs and techniques, and improved or new aircraft control systems.

(f) *Office under Executive Direction of the Associate Administrator for Policy and International Aviation.*

(1) *Office of Aviation Policy and Plans.* The Office of Aviation Policy and Plans performs and monitors demand forecasts of aviation; integrates technological aviation forecasts; assesses the impact of future social, economic, transportation, and technological events on aviation industry characteristics, trends, and demands; performs a continuous assessment of the current Federal aviation system and identifies needed future system changes; and performs economic analysis of proposed regulations. Formulates, recommends, and promulgates FAA policy, system plans, goals, and priorities in conjunction with other agency elements; develops agency costing policy; develops and coordinates agency plans and integrates agency-wide planning actions to assure consistency with agency policy, goals, and priorities; assesses policy implications of proposed major modifications to the system; and provides legislative advice and assistance. Performs systems requirements analyses; conducts cost

evaluations of system acquisition management programs; conducts transition planning efforts; develops and provides planning standards and facility establishment criteria; and develops and provides planning guidelines governing regional inputs. Conducts studies and analyses of policy and program issues to determine the impact and consequences of alternative planning standards and facility established criteria; and prepares documentation of policies to guide FAA system and engineering and development planning and to inform users and the general public of agency policies and programs. Administers the Aircraft Loan Guarantee Program, including preparation of economic and financial analysis. Fosters the development of an effective air transportation system; provides leadership, direction, and coordination of agency activities related to air transportation system development; and maintains liaison with the Office of the Secretary of Transportation, other operating administrations, government and public agencies, and industry. Serves as the focal point for, and manages, aviation education programs. Provides for aviation public/user/government participation, in formulation of aviation policies, plans, goals, and priorities.

(2) *Office of Environment and Energy.* The Office of Environment and Energy develops and recommends national aviation policy relating to environmental and energy matters. Provides instructions, guidance, and technical assistance for agency compliance with applicable environmental and energy statutes and regulations, prescribing Federal environmental protection and energy conservation policies. Develops and coordinates overall agency energy conservation initiatives. Formulates and implements technical program leading to reduced noise and exhaust emissions and more efficient energy utilization by aircraft and aircraft support systems. Develops and recommends noise and engine emission standards, and promulgates regulations prescribing their application. Conducts analyses and studies of aircraft and airport operations and development programs, which could lead to the reduction of any adverse impact on the environment, or to the improvement in the efficiency of energy utilization; coordinates with other Federal agencies in developing aviation-related environmental and energy policies, goals, and priorities; provides the agency focal point for coordinating and fostering community, state, local, and general public participation in the resolution of aviation-related environmental and energy matters.

(3) *Office of International Aviation.* The Office of International Aviation achieves U.S. and agency objectives in international aviation through formulation and coordination of policy, plans, programs, and related matters affecting the international activities of the agency. Provides guidance and support to all agency elements having international responsibilities; overall evaluation of agency programs and activities in meeting such objectives; and administration of aviation assistance programs conducted by the agency.

(4) *Europe, Africa, and Middle East Office.* The Europe, Africa, and Middle East Office discharges the responsibilities of the Federal Aviation Administration within the assigned areas of Europe, Africa and the Middle East, including the Azores, Iceland, the Soviet Union, and all countries that are both south of the People's Republic of China and west of Burma; working in coordination and in conjunction with elements of U.S. diplomatic missions with a view to encourage and foster the development of civil aeronautics and air commerce, and provide for the safety and efficiency of U.S. aviation.

6. *The Mike Monroney Aeronautical Center.* The Aeronautical Center conducts centralized training, central warehousing and supply, and aeromedical research; maintains the Registry of Civil Aircraft and recordation of conveyances and encumbrances thereon and all offical airmen records; and provides certain automatic data processing services for national and local programs.

7. *The Regions.* The regional directors report directly to the Administrator and execute the major operating programs of the agency, including assigned international operations, as they apply within the regions. Each region consists of a regional headquarters and field offices and facilities. Each region, within its assigned geographic areas of responsibility, provides: air traffic operational services, flight standards inspection, certification and surveillance services, facilities and equipment installation and maintenance services; airport developement and certification services; airmen medical certification and education, aircraft accident investigation, employee health services, civil aviation security services, and ancillary supporting services. The regional headquarters consists of:

(a) *Office of the Regional Director.* The Office of the Regional Diector is responsible for overall planning, direction, organization, management of resources, administration of assigned programs, and evaluation of program performance throughout the region.

(b) *Staff.* Staffs, staff support divisions, and programs divisions, which advise and assist the regional director in the elaboration of national policies, standards, and guides within the region; and in the evaluation of operations. The program divisions direct operational activities of subordinate field offices and facilities. The field activities or operating offices provide service to the public within their functional areas of responsibility (e.g., airport traffic control, flight service, airmen certification, etc.). The geographic jurisdictions and addresses of the regional offices are stated in Part III of this Statement.

Part III—Locations and Geographic Scope of Authority of Principal Offices

1. *FAA Headquarters.* Address: 800 Independence Avenue, SW, Washington, D.C., 20591.

2. *Mike Monroney Aeronautical Center.* Mailing Address: P.O. Box 25082, Oklahoma City, OK, 73125. Street Address: 6500 South MacArthur, Oklahoma City, OK, 73125.

3. *FAA Technical Center.* Mailing Address: Atlantic City, NJ, 08405. Street Address: Atlantic City Airport, Atlantic City, NJ, 08405.

4. *Aviation Standards National Field Office.* Mailing Address: P.O. Box 25082, Oklahoma City, OK, 73125.

5. *Regional Headquarters.* The locations, addresses, and geographic areas of authority of the regional headquarters are as follows:

(a) *New England Region.* Regional Office at Burlington, MA. Address: 12 New England Executive Park, Burlington, MA, 01803. Geographic Area: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and that portion of the Atlantic Ocean in which domestic offshore control is exercised by air control facilities of the New England Region.

(b) *Eastern Region.* Regional Office at Jamaica, Long Island, NY. Address: John F. Kennedy International Airport, Federal Building, Jamaica, Long Island, NY, 11430. Geographic Area: Delaware, New York, New Jersey, Pennsylvania, Maryland, Virginia, West Virginia, and the District of Columbia; Canada east of 100 west longitude; and Greenland and Bermuda; and that portion of the Atlantic Ocean in which domestic offshore control is exercised by air traffic control facilities of the Eastern Region.

(c) *Great Lakes Region.* Regional Office at Des Plaines, IL. Address: O'Hara Lake Office Center, 2300 East Devon Avenue, Des Plaines, IL, 60018. Geographic Area: Illinois, Indiana, Michigan, Minnesota, North Dakota, South Dakota, Ohio, and Wisconsin.

(d) *Southern Region.* Regional Office at East Point, GA. Mailing Address: Atlanta Airport, P.O. Box 20636, Atlanta, GA, 30320. Street Address: 3400 Norman Berry Drive, East Point, GA, 30320. Geographic Area: Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi; the Caribbean area, South America, Central America (excluding Mexico), Panama, and that portion of the Gulf of Mexico and Atlanta Ocean in which domestic offshore control is exercised by air traffic control facilities of the Southern Region.

(e) *Southwest Region.* Region Office at Forth Worth, TX. Mailing Address: P.O. Box 1689, Fort Worth, TX, 76101. Street Address: 4400 Blue Mound Road, Fort Worth, TX, 76101. Geographic Area: Arkansas, Louisiana, Texas, Oklahoma, and New Mexico; Mexico and that portion of the Gulf of Mexico covering the Oceanic Control Area and the domestic offshore control area under control of air traffic facilities located in the Southwest Region.

(f) *Central Region.* Regional Office at Kansas City, MO. Address: 601 East 12th Street, Kansas City, MO, 64106. Geographic Area: Iowa, Kansas, Missouri, and Nebraska.

(g) *Northwest Mountain Region.* Regional Office at Seattle, WA. Address: 17900 Pacific Highway South, C-68966, Seattle, WA, 98168. Geographic Area: Colorado, Idaho, Montana, Oregon, Utah, Washington, and Wyoming; the designated oceanic area within the Oakland Flight Information Region that is north of a line drawn from the intersection of the southern boundary of Oregon and the coastline to the northeast corner of the Honolulu Flight Information Region; and Canada west of 100 longitude.

(h) *Western-Pacific Region.* Mailing Address: P.O. Box 92007, Worldway Postal Center, Los Angeles, CA, 90009. Street Address: 15000 Aviation Boulevard, Hawthorne, CA, 90009. Geographic Area: Arizona, California, Hawaii, and Nevada; the Pacific Ocean area west of the continental United States, including the designated area within the Oakland Flight Information Region except for the area north of a line drawn from the intersection of the southern boundary of Oregon and the coastline to the northeast corner of the Honolulu Flight Information Region; and east of Bangladesh and India, including Wake Island, Guam, the Trust Territory of the Pacific, the area of Micronesia, Japan, North Korea, South Korea, the People's Republic of China, Hong Kong, Taiwan, Republic of the Philippines, Vietnam, Laos, Cambodia, Thailand, Burma, Malaysia, Singapore, Indonesia, the area of Melanesia, Australia, Antarctica, New Zealand, and the dependent territories and independent nations of Polynesia including Tonga, Fiji, Tahiti, and Samoa.

(I) *Alaskan Region.* Regional Office at Anchorage, AL. Address: 701 C Street, Box 14, Anchorage, AL, 99513. Geographic Area: Alaska, the oceanic area within the Anchorage Flight Information Region, including the Arctic offshore area (control 1485) and the Arctic control Area/Flight Information Region.

6. *Metropolitan Washington Airports.* Address: Federal Aviation Administration, Washington National Airport, Metropolitan Washington Airports, Hangar 9, Washington, D.C., 20001.

7. *Europe, Africa, and Middle East Office.* Office located at Brussels, Belgium. APO mail address: Federal Aviation Administration, c/o American Embassy, APO New York, NY, 09667. Street Address: 15, Rue de la Loi, (3rd Floor), B-1040, Brussels, Belgium. Geographic Area: Europe, Africa, and Middle East, including the Azores, Iceland, the Soviet Union, and all countries that are both south of the People's Republic of China and West of Burma.

[FR Doc. 83-20184 Filed 7-27-83; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Santa Clara County, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a Tranportation Corridor study in Santa Clara County, California.

FOR FURTHER INFORMATION CONTACT: D. L. Eyres, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809. Telephone: (916) 440-3541.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation, will prepare an environmental impact statement (EIS) on a Transportation Corridor study on Route 237 in Santa Clara County, California. The limits of the EIS are from Route 85 in Mountain View to Route 17 in Milpitas, for a distance of 9.1 miles.

The EIS will consider several alternative proposals to improve transportation service in the area served by this segment of the highway. The alternatives include do nothing, contruction of freeway interchanges on new alignments, and on existing highway alignment.

A formal inter-disciplinary team approach is planned for this study to insure the interaction of different disciplines in the development and evaluation of alternatives. This inter-disciplinary team will include representatives from the appropriate federal, state and local agencies, and any other organizations that have an interest in the study.

An informational public meeting will be held at Milpitas High School Auditorium, 1285 Escuela Parkway in the City of Milpitas at 7:30 p.m. on August 31, 1983. Public notice will be given of the time and place of the information meeting. The purpose of the public meeting is to receive public input regarding this study.

To insure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on July 20, 1983.

A. J. Gallardo,

District Engineer, Sacramento, California.

[FR Doc. 83-20432 Filed 7-27-83; 8:45 am]
BILLING CODE 4910-22-M

Environmental Impact Statement; Sonoma County, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed bridge replacement and highway improvement study on State Route 116 in Sonoma County, California.

FOR FURTHER INFORMATION CONTACT: D. L. Eyres, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809. Telephone: (916) 440-3541.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the

California Department of Transportation will prepare an Environmental Impact Statement (EIS) on a proposal to replace the existing bridge, realign approach roadways, and relocate local roads on State Route 116 in and near the community of Guerneville in Sonoma County, California.

The limits of the EIS are from 2nd Street to 0.3 mile west of Mays Canyon Road, a distance of 0.6 of a mile. The EIS will consider several alternative proposals to improve transportation service in the area served by this segment of the highway. The alternatives include two (2) bridge replacement design alternatives with identical bridge alignment but different approach profiles and the no build alternative.

A formal interdisciplinary team approach is planned for this study to insure the interaction of different disciplines in the development and evaluation of alternatives. This interdisciplinary team will include representatives from the appropriate Federal, State, and local agencies and any other organizations that have an interest in the study.

An information public meeting at the Veteran Memorial Building in Guerneville is scheduled for August 18, 1983. Public notice of the time and place of this meeting will be published in the local press.

To ensure that the full range of issues is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposal and the EIS should be directed to the FHWA at the address provided above.

Issued on July 22, 1983.

James H. Lamb,

Area Engineer, Sacramento, California.

[FR Doc. 83-20443 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-22-M

National Motor Carrier Advisory Committee; Meetings

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meetings.

SUMMARY: The purpose of this notice is to announce that the National Motor Carrier Advisory Committee (NMCAC) will hold two public hearings and a committee meeting.

DATES: The NMCAC will hold a public hearing from 9:00 a.m. to 4:00 p.m. on August 30, 1983, in San Francisco and a second hearing from 9:00 a.m. to 4:00 p.m. on September 14, 1983, in Washington, D.C. The NMCAC will also hold a committee meeting on September 15, 1983, from 9:00 a.m. to 4:00 p.m. in Washington, D.C.

ADDRESSES: The public hearing in San Francisco will be held at the Federal Building, Room 2007, 450 Golden Gate Avenue. The public hearing and the committee meeting scheduled for Washington, D.C., will be held in Room 2230 of the Department of Transportation's Headquarters Building (Nassif), 400 Seventh Street, SW., Washington, D.C. 20590:

FOR FURTHER INFORMATION CONTACT: Mr. James J. Stapleton, Executive Director, National Motor Carrier Advisory Committee, Federal Highway Administration, HCC-20, Room 4224, 400 Seventh Street, Sw., Washington, D.C. 20590; (202) 426-0824. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 513(g) of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424, 96 Stat. 2177) directs the Department of Transportation, in consultation with the Department of Treasury, to conduct a study of alternatives to the heavy truck use tax. The NMCAC intends to provide advice and recommendations to the Federal Highway Administrator regarding this study. The FHWA announces that the National Motor Carrier Advisory Committee (NMCAC) will hold two public hearings on August 30, 1983, in San Francisco, California, and on September 14, 1983, in Wahington, D.C. for the purpose of receiving public comment on alternatives to the heavy truck use tax. The NMCAC will also hold a committee meeting on September 15, 1983, to consider the issue of alternatives to the heavy truck use tax and the public comment received thereon by the committee. This committee meeting will also be open to the public. The two public hearings will be governed by the following procedure. Each meeting will be for one day. Attendance at the meeting will enable participants to present their written statements and make an oral summation for the record that should not exceed 10 minutes in duration. Those wishing to speak should contact Mr. James J. Stapleton at the address provided above in advance of the meeting to be placed on a roster. Oral presentations will be recorded and later transcribed. Written statements will also be accepted by the committee and should be addressed to Mr. Stapleton.

Issued: July 21, 1983.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administation.

[FR Doc. 83-20257 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

[Docket S-737]

United States Lines, Inc., and Moore McCormack Lines, Inc.; Application for Operation of USL's Eight Leaders Vessels on Mormac's TR 1 and TR 15A

Notice is hereby given that by application dated July 19, 1983, United States Lines, Inc. (USL) and Moore McCormack Lines, Incorporated (Mormac) requested MARAD's permission to enable the use of USL's eight Leader class full containerships on the two Mormac services TRs 1 (U.S. Atlantic/East Coast South America) and 15A (U.S. Atlantic/South and East Africa). The eight Leaders could eventually be time chartered to Mormac and deployed four in each trade and would substitute for the vessels currently in those services. USL/Mormac proposes transferring one of the Leaders, the AMERICAN ACE, to TR 15A (U.S. Atlantic-South and East Africa) in time for an August 19 sailing from New York. The addition of the AMERICAN ACE on TR 15A would still leave only three vessels on a trade route which historically has supported four vessels. The Leaders are currently on USL's North Atlantic service and are available due to USL's recent acquisition of four C8 vessels from Farrell Lines, Incorporated.

As a necessary part of the approval sought herein, USL/Mormac wishes to amend Mormac's and USL's Operating-Differential Subsidy Agreements (ODSA), Contract MA/MSB-338 and MA/MSB-483, respectively, to provide full transfer and interchange privileges for the eight Leaders between subsidized services covered by the Mormac and USL ODSAs. In addition, Mormac has requested the additional privilege to serve Argentina, homebound with vessels operating on its TR 15A service.

While substitution of eight Leaders, four on each trade route, is the goal, a phased approach is required. Of necessity there would be a mix of Leaders and Constellations on the trade routes as the Leaders are being introduced to replace the two C6's currently operating on TR 15A and the four C6's, currently operating on TR 1. The proposal would not result in any

increase in the maximum number of sailings to be provided on either trade route.

Interested parties may inspect the foregoing application during normal business hours in the Office of the Secretary, Maritime Subsidy Board, Room 7300-B, Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590. Interested parties who desire to comment on the application may submit their views to the Secretary, Maritime Subsidy Board, in triplicate, on or before 5:00 PM on August 5, 1983.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board.

Date: July 25, 1983.

Georgia P. Stamas,

Secretary.

[FR Doc. 83-20314 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

[Docket No. IP83-9; Notice 1]

BF Goodrich Co.; Receipt of Petition for Determination of Inconsequential Nonconcompliance

BF Goodrich Co. of Akron, Ohio, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.)* for a noncompliance with 49 CFR 571.109, *New Pneumatic Tires—Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S4.3(e) of Standard No. 109 requires that the sidewall of each passenger car tire be labeled with the actual number of plies in the sidewall and the actual number of plies in the tread area, if different. Goodrich has produced 1492 225/50VR15 Comp T/A radial blackwall tires branded "3 plies rayon + 2 plies fiberglass + 4 plies nylon" on the opposite serial side. The correct labeling "2 plies rayon + 4 plies fiberglass + 2 plies nylon" appears on the serial side sidewall.

Goodrich argues that the noncompliance is inconsequential because the failure to label properly has no impact upon safety, and the tires otherwise comply with Standard No. 109. Branding is correct on one side of the tire.

Interested persons are invited to submit written data, views and arguments on the petition of BF Goodrich Co. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washingtion, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are P. L. Moore and Taylor Vinson, respectively.

Comment closing date: August 29, 1983.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on July 18, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83-20302 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP83-11; Notice 1]

BF Goodrich Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

BF Goodrich Co. of Akron, Ohio, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S6.5 of Standard No. 119 requires tires to be marked with the tire tread composition and number of plies and maximum load rating. Petitioner produced 101 tires, 11.00-24 ML, load range G "High Tread Logger", with load range F information on the sidewall:

Tread: 10 Plies Nylon Sidewall: 8 Plies Nylon Max. Load 5860 lbs. at 75 PSI Cold

The correct information is:

Tread: 12 Plies Nylon Sidewall: 10 Plies Nylon Max. Load 6520 lbs. at 90 PSI Cold

Petitioner argues that the noncompliance is inconsequential because the tires are branded with the correct size and load range G application. It has tested tires from the same production lot for both load range G and F tires in accordance with Standard No. 119 and avers that "all of the tires tested for endurance and static breaking energy exceeded the requirements by substantial margins." Further, proper tread labels on the tires of sale correctly identified them.

Interested persons are invited to submit written data, views and arguments on the petition of BF Goodrich Co. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are P. L. More and Taylor Vinson, respectively.

Comment closing date: August 29, 1983.

Issued on July 18, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83-20303 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP83-10; Notice 1]

BF Goodrich Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

BF Goodrich Co. of Akron, Ohio, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S6.5(d) of Standard No. 119 requires tires to be marked with the maximum load rating and corresponding tire inflation pressure. Petitioner has produced 230 10.00R20 Load Range G Extra Miler Radial DB tires with information appropriate for H range tires. The sidewalls are marked:

Max. Load Single 6610 lbs. at 120 PSI Cold

Max. Load Dual 5800 lbs. at 110 PSI Cold

The correct information is:

Max. Load Single 6040 lbs. at 105 PSI Cold

Max. Load Dual 5300 lbs. at 95 PSI Cold

Petitioner argues that the noncompliance is inconsequential because the tire is branded with correct size and load range "G" applications and otherwise meets Standard No. 119. It has tested tires from the same production lot for both load range G and H tires in accordance with Standard No. 119 and avers that "all of the tires tested for endurance and static breaking energy exceeded the requirements by substantial margins." Further, proper tread labels on the tires at time of sale correctly identified them.

Interested persons are invited to submit written data, views and arguments on the petition of BF Goodrich Co. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denies, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are P. L. Moore and Taylor Vinson, respectively.

Comment closing date: August 29, 1983.

Issued on July 18, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83-20304 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP83-8; Notice 1]

Derbi Motor Corporation; Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

Derbi Motor Corporation has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.123 Motor Vehicle Safety Standard 123 *Motorcycle Controls and Displays* on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S5.2.3 and Table 3 of Standard No. 123 require each choke control on a motorcyle be labelled "choke." Derbi imported "less than 500" Sport Laguna motor-driven cycles without the required labeling. It believes that no safety hazard exists because of this failure. The control must be depressed by the operator before the engine can be started, and is automatically released when the throttle is applied to increase "the engine R.P.M." As a practical matter, there is only a limited space in which a label could be applied and it "would not be of a permanent nature." The control is identified in the operator's handbook.

Interested persons are invited to submit written data, views and arguments on the petition of Derbi Motor Corporation described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment date indicated below will be considered.

The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney principally responsible for this notice are Nelson Erickson and Taylor Vinson, respectively.

Comment closing date August 29, 1983.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on July 18, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83-20300 Filed 7-27-83; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP83-7; Notice 1]

Dunlop Tire and Rubber Corporation; Receipt of Petition for Determination of Inconsequential Noncompliance

Dunlop Tire and Rubber Corporation of Buffalo, New York has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passengers Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S6.5(d) of Standard No. 119 requires each sidewall of a tire to be marked with the maximum load rating and corresponding inflation pressure. Dunlop imported from its United Kingdom subsidiary certain Dunlop SPLT2 Tubeless Steel Radial, size

185R14C–LT Load Range C 6 PR tires on which the designated maximum loads were incorrect. The maximum load for single applications was stated as "170" when the correct figure is "1710" pounds. For dual applications, the load was erroneously stated as "160" and the correct figure is "1610" pounds. The inflation pressure "55 PSI cold" was correctly stated. Dunlop was able to rebrand tires in its possession with the correct information but 451 had been shipped to dealers and it is these tires that the petition covers.

Dunlop argues that the noncompliance is inconsequential because the error is so obvious that the user will realize that the load indicated is severely understated, and he will therefore refer to the tire information placard or operator's manual for the correct information.

Interested persons are invited to submit written data, views and arguments on the petition of Dunlop Tires and Rubber Corporation described above. Comments should refer to the docket number and submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for his notice are P. L. Moore and Taylor Vinson, respectively.

Comment closing date August 29, 1983.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on July 18, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83–20301 Filed 7–27–83; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Public Information Collection Requirements Submitted to OMB for Review

On July 22, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 "I" Street, N.W., Washington, D.C. 20220.

Bureau of Government Financial Operations

OMB Number: 1510–0034
Form Number: POD 315
Title: Depositor's Application to Withdraw Postal Savings
OMB Reviewer: Judy McIntosh (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Internal Revenue Service

OMB Number: 1545–0148
Form Number: 2758
Title: Application for Extension of Time to File U.S. Partnership, Fiduciary, and Certain Exempt Organization Returns

OMB Number: 1545–0228
Form Number: 6252
Title: Computation of Installment Sale Income

OMB Number: 1545–0441
Form Number: 6559
Title: Transmitter Report of Magnetic Media Filing

OMB Number: 1545–0291
Form Number: Letter 62C and 62 SC
Title: W–2/W–2P Requested From Employer

OMB Number: 1545–0220
Form Number: 6008 and 6009
Title: Fee Deposit for Outer Continental Shelf Oil/Quarterly Report of Fees Due on Oil Production
OMB Reviewer: Norman Frumkin (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Rita A. DeNagy,

Departmental Reports Management Office.

July 22, 1983.

[FR Doc. 83–20434 Filed 7–27–83; 8:45 am]

BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 146
Thursday, July 28, 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

	Items
Commodity Futures Trading Commission	1, 2
Farm Credit Administration	3
Federal Energy Regulatory Commission	4
Federal Maritime Commission	5
Federal Reserve System	6

1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Tuesday, August 16, 1983.

PLACE: 2033 K Street NW., Washington, D.C. fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

National Futures Association Briefing
Proposed Mid-America Commodity Exchange Contracts: British pounds; Canadian dollars; Deutsche marks; Japanese yen; Swiss francs

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S 1090-83 Filed 7-26-83; 10:03 am]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, August 5, 1983.

PLACE: 2033 K Street NW., Washington, D.C. eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Briefing

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S 1089-83 Filed 7-27-83; 10:03 am]

BILLING CODE 6351-01-M

3

FARM CREDIT ADMINISTRATION

Federal Farm Credit Board; Meeting

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of a change in a forthcoming regular meeting of the Federal Farm Credit Board scheduled to be held on the first Monday of October 1983, as specified in 12 CFR 604.325(a).

DATES AND TIMES: The regular meeting of the Federal Farm Credit Board regularly scheduled to be held on the first Monday of October 1983, has been rescheduled and will be held on September 22, 1983, 8:30 a.m. to 4:30 p.m.; September 23, 1983, 8:30 a.m. to 4:30 p.m.; September 24, 1983, 8:30 a.m. to 12.

ADDRESS: Farm Credit Administration, Suite 4000, Federal Board Room, 490 L'Enfant Plaza, SW., Washington, D.C. 20578.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Auberger, Secretary to the Federal Farm Credit Board, 490 L'Enfant Plaza, SW., Farm Credit Administration, Washington, D.C. 20578; (202/755-2174).

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Federal Farm Credit Board will be open to the public (limited space available), and parts of the meeting will be closed to the public. The matters to be considered at the meeting are:

Portions Open to the Public:

Board Member Reports
Economic Report
Legislative Report
Office of Administration Report
Setting Calendar for 1984
Other Subjects to be Determined

Portions Closed to the Public:

Executive Session(s)
Agency Report to District Boards of Directors
Office of Supervision Report
Office of Examination Report.

Dated at Washington, D.C., July 26, 1983.

Donald E. Wilkinson,
Governor.

[S-1092-83 Filed 7-26-83; 2:39 pm]

BILLING CODE 6705-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 33962, July 26, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., July 27, 1983.

CHANGE IN THE MEETING: The following item has been added the agenda:

Item No., Docket No., and Company

CI-2:—CI83-269-000, Tenneco Oil Company, Houston Oil & Minerals Corporation, Tenneco Exploration, Ltd., Tenneco Exploration II, Ltd., and TINCO, Ltd.

Kenneth F., Plumb,
Secretary.

[S-1091-83 Filed 7-26-83; 1:02 pm]

BILLING CODE 6717-02-M

5

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., August 3, 1983.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 10470: Space charter arrangement between Compagnie Marocaine de Navigation and Lykes Bros. Steamship Co., Inc.
2. Appeal of Tropical Shipping and Construction Company, Ltd., from Adverse Ruling of the Compliance Board.

Portions closed to the public:

1. Conditions Affecting Shipping in the Philippine Trades.
2. Docket No. 83-20: AABCO, Inc.—Petition for Declaratory Order—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1093-83 Filed 7-26-83; 3:05 pm]

BILLING CODE 6730-01-M

6

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, August 3, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed purchase of computers within the Federal Reserve System.
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.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: July 26, 1983.

James McAfee,
Associate Secretary of the Board.

[S-1094-83 Filed 7-26-83; 3:31 pm]

BILLING CODE 6210-01-M

federal register

Thursday
July 28, 1983

Part II

Department of Energy

Office of the Secretary

Foreign Ownership Control, or Influence of DOE Contractors; Proposed Rule

DEPARTMENT OF ENERGY

Office of the Secretary

41 CFR Parts 9-1, 9-7, and 9-50

Foreign Ownership, Control, or Influence of DOE Contractors

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice publishes a proposed amendment to the DOE Procurement Regulations. The amendment proposes to add new solicitation and contract provisions which are designed to obtain information that indicates whether certain DOE offerors/bidders or contractors are owned, controlled, or influenced by foreign individuals, governments, or organizations and whether that influence may threaten national security. This action is necessary to ensure that DOE receives the information which would indicate whether a problem exists concerning foreign ownership, control, or influence over a DOE offeror/bidder or contractor.

The information generated by these provisions will enable DOE to protect against situations in which classified information, unclassified sensitive information covered by section 148 of the Atomic Energy Act, or special nuclear material may become available to foreign governments, individuals, or organizations because of their ownership, control, or influence over a DOE contractor.

DATE: Written comments must be submitted by September 12, 1983 to be considered.

ADDRESS: Comments should be addressed to Laura Bick, Department of Energy, Procurement Policy Branch, MA-421.1, Room 1J-009, Forrestal Building, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Laura Bick, Procurement Policy Branch, MA-421.1, Procurement and Assistance Management Directorate, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252-8188

Christopher T. Smith, Office of General Counsel, AGC for Procurement and Financial Incentives, GC-44, Department of Energy, Room 6B-158, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252-1526.

SUPPLEMENTARY INFORMATION:

I. Background
II. Procedural Requirements
A. Executive Order 12291
B. Regulatory Flexibility Act
C. Paperwork Reduction Act
III. Public Comments

I. Background

In 1981, a DOE contractor performing defense-related work was acquired by a foreign entity. Although subsequent events evolved so that this acquisition caused no security problems, it brought into focus the security implications of foreign ownership, control, or influence (FOCI) over certain DOE contract activities. Furthermore, it demonstrated that DOE's existing policy and regulatory procedures concerning contractors subject to FOCI should be clarified and made more comprehensive. With this proposed rule, DOE expands, through the procurement process, its efforts to identify and protect against situations in which any contractor performing or proposing to perform work for DOE requiring access to classified or unclassified sensitive information or to significant quantities of special nuclear material is subject to FOCI. The proposed changes to the procurement regulations are as follows. Change 11.0 is a listing of changes to the Table of Contents. Change 11.1 adds a new Subpart 9-1.52, "Foreign ownership, control, or influence over contractor." Section 9-1.5200 states that the purpose of this new subpart is to protect against significant adverse effects on the national security or the public health and safety that may occur if classified information, unclassified sensitive information, or special nuclear material is available to DOE contractors who are owned, controlled, or influenced by foreign governments, individuals, or organizations.

Section 9-1.5201 identifies who is covered by this subpart. Specifically, the subpart applies to all offerors/bidders, contractors, and subcontractors which are expected to have access to classified information; a significant quantity of special nuclear material as defined in 10 CFR Part 710; or unclassified information covered by section 148 of the Atomic Energy Act. Section 9-1.5202 defines the terms and concepts which are critical to this subpart: foreign interest; foreign ownership, control, or influence; and Contracting Officer.

Section 9-1.5203 provides the basis and format for disclosure of information concerning foreign ownership, control, or influence. Essentially, this section states that if an offeror/bidder or contractor has access to the information or material covered by this subpart, DOE must determine that the offeror/bidder or contractor is not subject to FOCI which could cause a significant adverse effect on the national security or public health and safety. To ensure that DOE receives the information necessary to make this determination, this section includes a provision which is to be included in solicitations and which required offerors/bidders to answer specific questions related to ownership, control, or influence. These questions are similar to those the Department of Defense uses in its process for gathering information related to an FOCI determination. The solicitation provision allows the offerors to propose, for DOE's consideration, a means of isolating foreign ownership, control, or influence. In addition, this provision specifies that if a contractor comes under FOCI during the performance of a contract, DOE must make the same determination that is required before a contract is awarded. Finally, this provision specifies that (1) the same information will be provided by existing contractors prior to the awarding of new contracts, extending or modifying existing contracts, exercising options under a contract, or approving or consenting to a subcontract and (2) the same determination concerning a significant adverse effect on the national security or the public health and safety must be made.

Section 9-1.5204 discusses the findings and determination which the Contracting Officer must make before a contract can be awarded or continued if the contractor will have access to information or materials covered by this subpart. In addition, this section states that if FOCI exists which could have significant adverse effect on the national security or public health and safety and the offeror/bidder or contractor cannot or will not eliminate or isolate the foreign influence, then the offeror/bidder will not be considered for contract award and, in the case of an existing contractor, the contract will be terminated.

The proposed contract provision in § 9-1.5205 places on contractors subject to § 9-1.5201 an obligation to report immediately changes related to foreign ownership, control, or influence; to insert the new contractual provisions in all subcontracts subject to § 9-1.5201; and to obtain for DOE from subcontractors the information on FOCI matters which the contractor is required to submit. In some cases, the information concerning ownership or control is similar to information that is required to be reported to the Securities and Exchange Commission, the Federal Trade Commission, and the Justice Department.

In addition, this provision specifies that if a contractor notifies DOE that it is, or may be, subject to foreign ownership, control, or influence, DOE must determine that an unacceptable

risk to public health and safety or to the national security is not created by the change. Furthermore, if foreign ownership, control, or influence is found to exist over a DOE contractor, the contractor is required to comply with instructions from the Contracting Officer on how to safeguard the information or special nuclear material which is to be protected from compromise by foreign interests. Although this provision does not contain any penalties, a contractor or subcontractor who becomes subject to FOCI and cannot, or will not, eliminate that influence will be denied access to the protected information or material and the contract may be terminated. Change 11.2 adds to Part 9-7 §§ 9-7.103-58, 9-7.203-60, 9-7.302-59, 9-7.403-77, 9-7.603-62, 9-7.704-55, and 9-7.803-57 which reference the new FOCI contract article in § 9-1.5205. Change 11.3 adds § 9-50.110 to Part 9-50 making 9-1.52 applicable to operating and on-site contractors.

II. Procedural Requirements

A. Executive Order 12291

Under Executive Order 12291 agencies are required to determine whether proposed rules are major rules as defined in the Order. DOE has reviewed this proposed rule and, after consultation with the Office of Management and Budget, has determined that it is not a major rule because: It will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises. DOE bases this determination on the fact that this proposed rule relates exclusively to the management of the procurement function.

B. Regulatory Flexibility Act

This proposed rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96-354, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. DOE certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

C. Paperwork Reduction Act

The collection of information requirements contained in this rule will be submitted to the Office of Management and Budget in accordance with section 3504(h) of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, and procedures implementing that Act, 5 CFR 1320.1, *et seq.*

III. Public Comments

Interested persons are invited to participate by submitting data, views or arguments with respect to the proposed DOE-PR amendments set forth in this notice. Comments should be submitted to the address indicated in the "**ADDRESS**" section of this notice and should be identified on the outside envelope and in any documents submitted with the designation, "Foreign Ownership, Control, or Influence." All comments received will be available for public inspection in the DOE Reading Room, Rm 1E-190, Forrestal Building, 1000 Independence Ave., SW., Washington, D.C. 20585, between the hours of 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. All written comments received by September 12, 1983 will be fully considered prior to publication of the proposed amendment as a final regulation. Any information you consider to be confidential must be so indentified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information and to treat it according to our determination.

Comments on the collection of information requirements contained in the proposed rule should be submitted to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attn: Mr. Jefferson B. Hill, Desk Officer for the Department of Energy, Washington, D.C. 20503.

The Department has concluded that this proposed rule does not involve a substantial issue of fact or law and that the proposed rule should not have a substantial impact on the nation's economy or large numbers of individuals or businesses. Therefore, pursuant to Pub. L. 95-91, the DOE Organization Act, the Department does not plan to hold a public hearing on this proposed rule. Interested persons are invited to participate in this rulemaking by submitting in writing, data, views, or arguments with respect to the proposals set forth in this notice.

List of Subjects

41 CFR Part 9-1

Government procurement, Foreign ownership and control.

41 CFR Part 9-7

Government procurement, Contract clause.

41 CFR Part 9-50

Government procurement, Operating contractors.

Authority: Sec. 644 of the Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7254); and sec. 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168).

For the reasons set out in the preamble, Chapter 9 of Title 41 of the Code of Federal Regulations is proposed to be amended as set forth below.

Issued in Washington, D.C., June 8, 1983.

Hilary J. Rauch,

Director, Procurement and Assistance, Management Directorate.

Title 41, Chapter 9 of the Code of Federal Regulations is proposed to be amended by adding a new Subpart 9-1.52 and conforming sections in Parts 9-7 and 9-50 to read as set forth below.

Note.—As an aid in identifying specific proposed changes to the DOE Procurement Regulations, a two number identifier is assigned to each specific change. The first number represents the numerical sequence of proposed changes; thus, this is Change 11 to indicate that this is the eleventh time that DOE has issued a notice of proposed rulemaking for the purpose of amending 41 CFR Chapter 9. The second number is the numerical sequence of specific changes proposed within a particular notice; thus, the first change within the eleventh notice is identified as Change 11.0.

Change 11.0

The Table of Contents for Parts 9-1, 9-7, and 9-50 is amended by adding the following:

PART 9-1—GENERAL

* * * * *

Subpart 9-1.52—Foreign Ownership, Control, or Influence Over Contractor

Sec.
9-1.5200 Purpose.
9-1.5201 Applicability.
9-1.5202 Definitions.
9-1.5203 Disclosure of foreign ownership, control, or influence.
9-1.5204 Findings, determination, and contract award or termination.
9-1.5205 Contract clause.

* * * * *

PART 9-7—CONTRACT CLAUSES

* * * * *

9-7.103-58 Foreign ownership, control, or influence over contractor.

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9-7.203-60 Foreign ownership, control, or influence over contractor.

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9-7.303-59 Foreign ownership, control, or influence over contractor.

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9-7.403-77 Foreign ownership, control, or influence over contractor.

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9-7.603-62 Foreign ownership, control, or influence over contractor.

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9-7.704-55 Foreign ownership, control, or influence over contractor.

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9-7.803-57 Foreign ownership, control, or influence over contractor.

* * * * *

PART 9-50—OPERATING AND ON-SITE SERVICE CONTRACTS

* * * * *

9-50.110 Foreign ownership, control, or influence over contractor.

* * * * *

Authority: Sec. 644 of the Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7254); and sec. 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168).

Change 11.1

Part 9-1 is amended by adding a new subpart 9-1.52 as follows:

Subpart 9-1.52—Foreign Ownership, Control, or Influence Over Contractor

§ 9-1.5200 Purpose.

This subpart sets forth the Department of Energy policies and procedures regarding foreign ownership, control, or influence (FOCI) over contractors. The procedures are designed to protect against significant adverse effects on the national security or the public health and safety which may result if classified information, unclassified sensitive information, or special nuclear material is available to DOE contractors or subcontractors who are owned, controlled, or influenced by foreign governments, individuals, or organizations. The procedures require certain offerors/bidders and contractors to submit information which will enable DOE to determine whether award of a contract to a firm, or continued performance of a contract by a firm, may have a significant adverse effect on the national security or public health and safety because of FOCI over the offeror/bidder or contractor.

§ 9-1.5201 Applicability.

The provisions of this subpart shall apply to all offerors/bidders, contractors, and subcontractors which are expected to have access to:

(a) Classified information;

(b) A significant quantity of special nuclear material as defined in 10 CFR Part 710; or

(c) Unclassified information covered by section 148 of the Atomic Energy Act, which includes, but is not limited to, the following:

(1) The design of production facilities or utilization facilities;

(2) Security measures (including security plans, procedures, and equipment) for the physical protection of (i) production or utilization facilities, (ii) nuclear material contained in such facilities, or (iii) nuclear material in transit; or

(3) The design, manufacture, or utilization of any atomic weapon or component if the design, manufacture, or utilization of such weapon or component was contained in any information declassified or removed from the Restricted Data category.

For the purposes of this subpart, the information described in subsection (c) shall be referred to as "unclassified sensitive information."

§ 9-1.5202 Definitions.

(a) A foreign interest is any of the following:

(1) Foreign government or foreign government agency or instrumentality thereof;

(2) Any form of business enterprise organized under the laws of any country other than the United States or its possessions;

(3) Any form of business enterprise organized or incorporated under the laws of the U.S., or a State or other jurisdiction within the U.S. which is owned, controlled, or influenced by a foreign government, agency, firm, corporation, or person.

(4) Any natural person who is not a U.S. citizen.

(b) Foreign ownership, control, or influence (FOCI) will be considered to exist when the degree of ownership, control, or influence over an offeror/bidder or a contractor by a foreign interest is such that a reasonable basis exists for concluding that compromise of classified information, special nuclear material, or unclassified sensitive information may possibly result.

(c) Contracting Officer means the DOE Contracting Officer.

§ 9-1.5203 Disclosure of foreign ownership, control, or influence.

(a) If a contract requires a contractor to have access to classified information, unclassified sensitive information, or a significant quantity of special nuclear material, the Contracting Officer must determine whether access to the information or material by a contractor who is or may be subject to FOCI may have a significant adverse effect on the national security or public health and safety before a contract can be awarded. It is possible for a contractor under FOCI to propose a method of isolating the foreign interest allowing DOE to determine that a risk is eliminated or mitigated.

(b) If during the performance of a contract, the contractor comes under FOCI, then the Contracting Officer must determine whether any further access to the classified or unclassified sensitive information or special nuclear material may have a significant adverse effect on the national security or on the public health and safety through the possible compromise of that information or material. If the Contracting Officer determines that such a threat or potential threat exists, the Contracting Officer shall consider the alternatives of negotiating an acceptable method of isolating the foreign interest which owns, controls, or influences the contractor, such as a voting trust, or terminating the contract.

(c) It is essential for DOE to obtain information about foreign ownership, control, or influence which is sufficient to enable DOE to determine whether award of a contract to a firm, or the continued performance of a contract by a firm, may have a significant adverse effect on the national security or public health and safety. Therefore, the provision specified in (e) below shall be included in solicitations that involve offerors/bidders or contractors that are subject to 9-1.5201.

(d) The Contracting Officer shall not award or extend any contract subject to this subpart, exercise any options under a contract, modify any contracts subject to this subpart, or approve or consent to a subcontract subject to this subpart unless: (1) The contractor provides the information required by the following solicitation provision, if applicable, and (2) the Contracting Officer has made a positive determination in accordance with 9-1.5204.

(e) The following provision shall be included in all solicitations for contracts subject to this subpart.

Foreign Ownership, Control, or Influence Over Contractor

(a) For purposes of this provision, a foreign interest is defined as any of the following:

(1) A foreign government or foreign government agency.

(2) Any form of business enterprise organized under the laws of any country other than the United States or its possessions;

(3) Any form of business enterprise organized or incorporated under the laws of

the U.S., or a State or other jurisdiction within the U.S., which is owned, controlled, or influenced by a foreign government, agency, firm, corporation, or person, or;

(4) Any natural person who is not a U.S. citizen.

(b) Foreign ownership, control, or influence (FOCI) will be considered to exist when the degree of ownership, control, or influence over a contractor by a foreign interest is such that a reasonable basis exists for concluding that compromise of classified information, special nuclear material as defined in 10 CFR Part 710, or unclassified sensitive information covered by section 148 of the Atomic Energy Act may result.

(c) The offeror/bidder shall answer the following questions. Answer each question in either the "yes' or "no" column. If the answer is yes, furnish in full the complete information requested in parentheses on a separate sheet of paper.

Question	Yes	No
1. Does a foreign interest own or have beneficial ownership in 5% or more of your organization's voting securities? (Identify the percentage of any class of shares or other securities issued which are owned by foreign interests, listed by country. If you answer "Yes" and have received from an investor a copy of Schedule 13D and/or Schedule 13G filed by the investors with the Securities and Exchange Commission, you are to attach a copy of Schedule 13D and/or Schedule 13G.)		
2. Does your organization own any foreign interest in whole or in part? (Furnish the name, address by country, and the percentage owned. Include name and title of officials of your facility who occupy positions with the foreign entity, if any.)		
3. Do any foreign interests hafe positions as directors, officers, or executive personnel in your organization? (Furnish full information concerning the identity of the foreign interest and the position he/she holds in your organization.)		
4. Does any foreign interest control or influence, or is any foreign interest in a position to control or influence the election, appointment, or tenure of any of your directors, officers, or executive personnel? (Identify the foreign interest(s) and furnish full details concerning the control or influence.)		
5. Does your organization have any contracts, agreements, understandings, or arrangements with a foreign interest(s)? (Furnish name of foreign interest, country, nature of agreement or involvement. Agreements include licensing, sales, patent exchange, trade secrets, agency, cartel, partnership, joint venture, proxy, etc. If you answer "Yes" and have received from the investor a copy of Schedule 13D and/or Schedule 13G filed by the investor with the Securities and Exchange Commission, you are to attach a copy of Schedule 13D and/or Schedule 13G.)		
6. Is your organization indebted to foreign interests? (Furnish the amount of indebtedness as related to the current assets of the organization and identify the creditor. Include specifics as to the type of indebtedness and what, if any, collateral, including voting stock, has been furnished or pledged. If any debentures are convertible, specifics about the indebtedness, collateral, if any, and what will be received after conversion are to be furnished.)		
7. Does your organization derive any income from Communist countries or income in excess of 10% of gross income from non-Communist foreign interest? (State full particulars in respect to any income from Communist countries, including percentage from each such country as related to total income, and the type of services or products involved. If income is from non-Communist countries, give overall percentage as related to total income and type of services or products in general terms. If income is from a number of foreign countries, identify countries. Include also percentage by country.)		
8. Is 5% or more of any class of your organization's securities held in "nominee shares," in "street names", or in some other method which does not disclose beneficial owner of equitable title? (Identify each foreign institutional investor holding 5 percent or more of the voting stock. Identification should include the name and address of the investor and percentage of stock held. State whether the investor has attempted to, or has, exerted any management control or influence over the appointment of directors, officers, or other key management personnel, and whether such investors have attempted to influence the policies of the corporation. If you have received from the investor a copy of the Schedule 13D and/or Schedule 13G filed by the investor with the Securities and Exchange Commission, you are to attach a copy of Schedule 13D and/or Schedule 13G.)		
9. Does your organization have interlocking directors with foreign interests? (Include identifying data on all such directors. If they have a security clearance, so state. Also indicate the name and address of all other corporations with which they serve in any capacity.)		
10. Are they any citizens of foreign countries employed by, or who may visit, your facility (or facilities) in a capacity which may permit them to have access to classified or unclassified sensitive information or a significant quantity of special nuclear material? (Provide complete information by identifying the individuals and the country of which they are citizens.)		
11. Does your organization have foreign involvement not otherwise covered in your answers to the above questions? (Describe the foreign involvement in detail, including why the involvement would not be reportable in the preceding questions.)		

Certification

The offeror/bidder certifies that the entries made above are true, complete, and correct to the best of my knowledge and belief and are made in good faith.

Date Certified
By _____

Contractor
Title _____
Address _____

Signature and Date

(d) Prior to award of a contract under this solicitation, the Contracting Officer must determine that award of the contract to the offeror/bidder will not have a significant adverse effect on the national security or on the public health and safety as a result of its access to information or special nuclear material in the performance of the contract. In making the determination, the Contracting Officer may consider a voting trust or other arrangements proposed by the offeror/bidder to mitigate or avoid foreign influences. The Contracting Officer may require the offeror to submit such additional information as deemed pertinent to this determination and shall require the offeror to obtain answers to the questions in paragraph (c) above from any proposed subcontractors.

(e) Information submitted by the offeror/bidder in response to the questions in (c) above is to be used solely for purposes of evaluating foreign ownership, control, or influence and shall be treated by DOE, to the extent permitted by law, as business or financial information submitted in confidence.

§ 9-1.5204 Findings, determination, and contract award or termination

(a) Based on the information disclosed by the offeror/bidder or contractor, and after consulting with the DOE Office of Safeguards and Security, the Contracting Officer must determine that award of a contract to an offeror/bidder or continued performance of a contract by a contractor will not have a significant adverse effect on the national security or public health and safety. The Contracting Officer need not prepare a separate finding and determination addressing FOCI; however, the memorandum of negotiation should include a discussion of the applicability of this subpart and the resulting determination.

(b) In those cases where FOCI does exist, and the Contracting Officer determines that a threat to national security or public health and safety may exist, the offeror/bidder or contractor may propose and the Contracting Officer may consider proposals to avoid or mitigate the foreign influences by isolation of the foreign entity. If the offeror/bidder or contractor does not timely propose an arrangement which in the Contracting Officer's discretion satisfactorily isolates the offeror/bidder or contractor from foreign influence, then the offeror/bidder shall not be considered for contract award and affected existing contracts with a contractor shall be terminated.

§ 9-1.5205 Contract clause.

The following contract article shall be included in new contracts and contract modifications to existing contracts subject to § 9-1.5201.

Foreign ownership, control, or influence over contractor.

(a) For purposes of this clause, a foreign interest is defined as any of the following:

(1) A foreign government or foreign government agency;

(2) Any form of business enterprise organized under the laws of any country other than the United States or its possessions;

(3) Any form of business enterprise organized or incorporated under the laws of the U.S., or a State or other jurisdiction within the U.S., which is owned, controlled, or influenced by a foreign government, agency, firm, corporation or person;

(4) Any natural person who is not a U.S. citizen.

(b) Foreign ownership, control, or influence (FOCI) will be considered to exist when the degree of ownership, control, or influence over a contractor by a foreign interest is such that a reasonable basis exists for concluding that compromise of classified information, special nuclear material as defined in 10 CFR Part 710, or unclassified sensitive information covered by section 148 of the Atomic Energy Act may result.

(c) For purposes of this clause, subcontractor means any subcontractor at any tier and the term Contracting Officer shall mean DOE Contracting Officer. When this clause is included in a subcontract, the term contractor shall mean subcontractor.

(d) The contractor shall immediately provide the Contracting Officer written notice of any facts which are indicative of significant changes in the extent and nature of foreign ownership, control, or influence upon the contractor. Further, notice of changes in ownership or control which are required to be reported to the Securities and Exchange Commission, the Federal Trade Commission, or the Department of Justice shall also be furnished concurrently to the Contracting Officer.

(e) In those cases where a contractor has changes involving foreign ownership, control, or influence the Contracting Officer must determine that the changes will not have a significant adverse effect on the public health and safety or the national security. In making this determination, the Contracting Officer may consider proposals made by the contractor to avoid or mitigate foreign influences.

(f) If the Contracting Officer at any time determines that the contractor is, or is potentially, subject to foreign ownership, control, or influence, the contractor shall comply with such instructions as the Contracting Officer shall provide in writing to safeguard any special nuclear material, classified information, and unclassified sensitive information.

(g) The contractor agrees to insert terms that conform substantially to the language of this clause including this paragraph (g) in all subcontracts under this contract that are expected to require access to special nuclear material; classified information; or unclassified information covered by section 148 of the Atomic Energy Act. Additionally, the contractor shall require such subcontractors to submit the information required in 41 CFR 9-1.5203(c) prior to award of a subcontract. Information to be provided by subcontractor pursuant to this clause may be submitted directly to the Contracting Officer.

(h) Information submitted by the contractor or any affected subcontractor as required pursuant to this clause shall be treated by DOE to the extent permitted by law, as business or financial information submitted in confidence to be used solely for purposes of evaluating foreign ownership, control, or influence.

(i) The requirements of this clause are in addition to the requirement that a contractor obtain and retain the security clearances required by the contract. This clause shall not operate as a limitation on DOE's rights, including its rights to terminate this contract.

* * * * *

Change 11.2

Part 9-7 is amended by adding new §§ 9-7.103-58, 9-7.203-60, 9-7.303-59, 9-7.403-77, 9-7.603-62, 9-7.704-55 and 9-7.803-57 as follows:

PART 9-7—CONTRACT CLAUSES

* * * * *

§ 9-7.103-58 Foreign ownership, control, or influence over contractor.

Insert the clause set forth in § 9-1.5205 under the conditions set forth in § 9-1.5201.

* * * * *

§ 9-7.203-60 Foreign ownership, control, or influence over contractor.

Insert the clause set forth in § 9-1.5205 under the conditions set forth in § 9-1.5201.

* * * * *

§ 9-7.303-59 Foreign ownership, control, or influence over contractor.

Insert the clause set forth in § 9-1.5205 under the conditions set forth in § 9-1.5201.

* * * * *

§ 9-7.403-77 Foreign ownership, control, or influence over contractor.

Insert the clause set forth in § 9-1.5205 under the conditions set forth in § 9-1.5201.

* * * * *

§ 9-7.603-62 Foreign ownership, control, or influence over contractor.

Insert the clause set forth in § 9-1.5205 under the conditions set forth in § 9-1.5201.

* * * * *

§ 9-7.704-55 Foreign ownership, control, or influence over contractor.

Insert the clause set forth in § 9-1.5205 under the conditions set forth in § 9-1.5201.

* * * * *

§ 9-7.803-57 Foreign ownership, control, or influence over contractor.

Insert the clause set forth in § 9-1.5205 under the conditions set forth in § 9-1.5201.

* * * * *

Change 11.3

Part 9-50 is amended by adding a new § 9-50.110 as follows:

§ 9-50.110 Foreign ownership, control, or influence over contractor.

The policies and procedures in Subpart 9-1.52 are applicable to operating and on-site service contractors.

[FR Doc. 83-20414 Filed 7-27-83; 8:45 am]

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Thursday
July 28, 1983

Part III

Department of Energy

Office of the Secretary

Financial Assistance Rules; Final Rule

DEPARTMENT OF ENERGY

Office of the Secretary

10 CFR Part 600

Financial Assistance Rules

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: On March 19, 1982, the Department of Energy (DOE) published in the **Federal Register** (47 FR 12038) a proposed comprehensive revision of Subparts A and B of the DOE Assistance Regulations, 10 CFR Part 600, and several proposed technical and conforming amendments in Subpart C of that Part. The renamed Financial Assistance Rules were issued in a final rulemaking on September 27, 1982 (47 FR 44076 October 5, 1982). Paragraph (c) of § 600.2 and § 600.26, which were not included in that issuance, are being promulgated in today's final rulemaking. Technical and conforming amendments are also being made to the authority citation for 10 CFR Part 600 and to 10 CFR §§600.23(a) and 600.121(b). Today's rulemaking establishes substantive rights and procedures for the resolution of disputes arising from DOE financial assistance activities. This rule specifies who may use the dispute resolution procedures, and prescribes the subject matter jurisdiction of the Financial Assistance Appeals Board.

EFFECTIVE DATE: July 28, 1983.

FOR FURTHER INFORMATION CONTACT:

Thomas M. Reynolds, Business and Financial Policy Branch (MA-421.2) Procurement and Assistance Management Directorate, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9737.

Carol A. Cowgill, Office of the Assistant General Counsel for Procurement and Financial Incentives (GC-44) Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6902.

SUPPLEMENTARY INFORMATION:

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I. Background

On March 19, 1982 (47 FR 12038), DOE published proposed financial assistance rules containing policies and procedural requirements applicable to the award and administration of grants and cooperative agreements. These proposed rules included a section on disputes and appeals (proposed § 600.26). The original April 19, 1982 deadline for public comments was extended to May 19, 1982 (47 FR 19154, May 4, 1982). The entire set of proposed financial assistance rules, with the exception of §§ 600.2 (c) and 600.26 and a few other sections and paragraphs, was promulgated in a final rulemaking published on October 5, 1982 (47 FR 4076).

Today's final rulemaking promulgates the disputes and appeals provisions in § 600.2(c) and § 600.26. The Department has determined there is good cause for making July 28, 1983 the effective date of the amendments being issued today. Most of the Financial Assistance Rules, originally proposed on March 19, 1982, became effective on October 1, 1982. Making this subsequent rulemaking effective as soon as possible will minimize the disruptive impact of the transition from the former DOE Assistance Regulations, 10 CFR Part 600, to the new DOE Financial Assistance Rules, 10 CFR Part 600 (47 FR 44076, October 5, 1982) and today's rulemaking.

II. Discussion of Comments

As indicated in the preamble to the October 5, 1982 final rulemaking, DOE received comments from two organizations in the private sector and from the Office of Management and Budget (OMB) (47 FR at 44076). There were no comments on the sections being issued today.

III. Discussion of DOE Amendments

The authority citation for 10 CFR Part 600 is being amended to reflect the September 13, 1982 enactment of Pub. L. 97-258 which revised and codified, *inter alia*, the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95-224. The latter is now codified at 31 U.S.C. 6301-6308.

On its own initiative, the Department has made technical and conforming amendments to 10 CFR 600.23(a) and 600.121(b), and has amended proposed §§ 600.2(c) and 600.26. In general, the effect of these changes is to clarify potential ambiguities, eliminate unintended or unnecessary restrictions, and strengthen procedural protections for recipients. Each of the DOE amendments is described below.

As proposed, § 600.2(c) would have made the applicability of the disputes and appeals provisions of § 600.26 depend on the date when the dispute was "initiated." Upon reconsideration, DOE decided that the initiation date of a dispute is too imprecise to be used to determine whether the new disputes and appeals provisions are applicable. The final § 600.2(c) has been revised to provide that § 600.26 shall apply if the Contracting Officer's final determination in a dispute is issued on or after the effective date of today's rulemaking. The last sentence of § 600.2(c) has also been revised to provide that if the Contracting Officer's final determination is issued not more than 90 days before the effective date, the appellant may elect in writing to proceed under § 600.26(d).

Section 600.2(c) has also been amended to specify that the disputes and appeals provisions in § 600.26 shall apply to any new, continuation or renewal award made after the effective date of today's rulemaking. In addition to active, expired, and terminated grants and cooperative agreements, the final § 600.2(c) provides that § 600.26 shall also apply to disputes and appeals involving *closed-out* awards. The addition of the reference to closed-out financial assistance awards makes § 600.2(c) consistent with § 600.123(e) which authorizes DOE to disallow costs based on post-closeout audit findings. See also, § 600.26(d)(2)(iv).

Section 600.23, which prescribes the procedures for notifying unsuccessful applicants, has been amended by adding a new sentence immediately after the

second sentence of paragraph (a). The second sentence requires that in its notice to an unsuccessful applicant, DOE briefly explain why the application was not selected for award. If requested by the applicant, DOE is further required to provide an opportunity for a more detailed explanation. The new sentence makes it clear that an applicant's written response to the notice of nonselection may specify any objections to or apparent defects in the selection procedures followed by DOE.

In paragraph (a) of § 600.26, the term "final determination" has been substituted for the proposed term "final decision." The substitution is intended to make it easier to distinguish between those Contracting Officer determinations which become final decisions of the Department (either because they are not or may not be appealed to the Financial Assistance Appeals Board) and those which, because a timely appeal is filed with the Board, do not.

As proposed, § 600.26(a) would have conferred standing to use the disputes and appeals procedures on "any person who established that he or she is or represents a real party in interest (including a class of similarly situated individuals or organizations)." Standing in the final § 600.26(a) is limited to applicants for continuation awards and recipients. The proposal to confer standing on "real parties in interest" has been withdrawn because, upon reconsideration, DOE determined it would be preferable to allow each financial assistance program administrator to determine, by program rule, whether subrecipients or ultimate beneficiaries should have standing to use the § 600.26 disputes and appeals procedures.

Paragraph (b) of § 600.26 has been retitled "Right of appeal" (rather than the proposed title, "Notice of appeal") because the paragraph describes which Contracting Officer determinations may be appealed to the Financial Assistance Appeals Board and when such appeals must be filed.

The last sentence in proposed paragraph (b) of § 600.26 has been replaced by two sentences which describe more completely the jurisdictional effect of paragraphs (d)(1) and (d)(2) on the right to appeal a Contracting Officer's determination. If the Contracting Officer's determination involves a dispute included in the list of disputes over which the Board has no jurisdiction, (as provided in paragraph (d)(1)), the dispute may not be appealed and the Contracting Officer's determination becomes the final decision of the Department. In contrast, if the dispute is reviewable (under paragraph (d)(2)), the Contracting Officer's determination becomes the final decision of the Department only if a timely appeal is not filed with the Board.

One additional type of dispute has been added to the list in proposed paragraph (d)(1) of the disputes the Board has no jurisdiction to review. The addition, at paragraph (d)(1)(ix), is "[a]ny other dispute not described in paragraph (d)(2) of this section." This amendment reinforces the original intent of proposed § 600.26(d) that the Board's jurisdiction be limited to that expressly conferred by § 600.26(d)(2).

Proposed § 600.26(d)(1) has also been modified to indicate that matters under the jurisdiction of the Patent Compensation Board (10 CFR § 780.3) and the Invention Licensing Board (CFR 10 781.65 and 781.66) are excluded from the jurisdiction of the Financial Assistance Appeals Board (the Board). The reference in proposed § 600.26(d)(1)(i) to DOE actions taken under 10 CFR Part 1040 has been deleted because the Department is currently considering whether the Board should be authorized to decide appeals under 10 CFR Part 1040.

The introductory clause to proposed paragraph (d)(2) has been amended to provide that in addition to a program rule, the terms and conditions of an award may establish a right of appeal not set forth in paragraph (d)(2), *provided* such additional right is not inconsistent with paragraph (d)(1). [In accordance with the exception in § 600.2 concerning the applicability of 10 CFR Part 600, a right of appeal expressly established by program rule could be inconsistent with § 600.26(d)(1).] The effect of the amendment is to authorize the Board to review disputes not identified in paragraph (d)(2) which the recipient and DOE agree—in the terms and conditions of the award—should be reviewable by the Board. A right of appeal may not be conferred unilaterally in the final determination issued under paragraph (a) by the Contracting Officer.

Section 600.26(d)(2) has been revised to expand two areas of the Board's proposed postaward jurisdiction and to eliminate one proposed area of preaward jurisdiction. Section 600.26(d)(2)(v) has been broadened from "the application by DOE of an indirect cost rate negotiated by a cognizant agency" to "the application by DOE of an indirect cost rate." The latter ("application by DOE of an indirect cost rate") has been deleted as a type of preaward dispute which may be appealed to the Board. *See*, § 600.26(d)(1)(ii). Proposed § 600.26(d)(2)(vi) has been changed from "DOE disallowance of costs incurred by the recipient" to "DOE disallowance of costs."

Finally, a minor conforming amendment has been made to 10 CFR § 600.121(b), (47 FR at 44106, October 5, 1982). The reference to denying applications for continuation awards has been removed from paragraph (5) of § 600.121(b) and placed in a new paragraph (6). The effect of this amendment is to make § 600.26(d)(2)(ii) [which provides that the Board shall have jurisdiction to review any DOE action authorized under, *inter alia*, § 600.121(b)(5)] consistent with § 600.26(d)(2)(ii) [which provides that the Board may review a DOE decision, based on a determination of noncompliance, not to make a continuation award].

IV. Review Under Executive Order 12291

As indicated in the preamble to the October 5, 1982 final rulemaking (47 FR at 44082), the entire March 19 proposed rulemaking was reviewed by OMB in accordance with Executive Order 12291 (46 FR 13193, February 17, 1981). DOE concluded that the proposed rules would not be "major" because their promulgation would not result in (1) an annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete in domestic or export markets. No comments were received which disagreed with this DOE determination.

V. Review Under the Paperwork Reduction Act

DOE has determined that this final rule does not impose information collection requirements, as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96–511), including reporting and recordkeeping, on individuals, business and private institutions, and State and local governments insofar as they are subject to this rule.

VI. Review Under the Regulatory Flexibility Act

As indicated in the preamble to the proposed rule (47 FR 12047, March 19, 1982), the proposed rules were reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96–354. DOE certified that

these rules would not have a significant economic impact on a substantial number of small entities and, therefore, no initial regulatory flexibility analysis was prepared.

In the absence of any public comment on the DOE certification in the proposed rules, DOE certifies that this final rule will not have a significant economic impact on a substantial number of small entities. Accordingly, no final regulatory flexibility analysis for §§ 600.2(c) and 600.26 has been prepared.

VII. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this wholly procedural rule clearly would not represent a major Federal action having a significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.* (1976)), the Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), and the DOE guidelines (45 FR 20694, March 28, 1980) and, therefore, does not require an environmental impact statement pursuant to NEPA.

List of Subjects in 10 CFR Part 600

Energy, Grant programs energy, Reporting requirements, Small business.

Issued in Washington, D.C. on July 21, 1983.

Hilary J. Rauch,

Director, Procurement and Assistance Management Directorate.

PART 600—FINANCIAL ASSISTANCE RULES

For the reasons set out in the preamble, 10 CFR Part 600 is revised as follows:

1. The authority citation for Part 600 is revised to read:

Authority: Secs. 644 and 646, Pub. L. 95–91, 91 Stat. 599 (42 U.S.C. 7254 and 7256); Pub. L. 97–258, 96 Stat. 1003–1005 (31 U.S.C. 6301–6308).

2. The table of contents of Subpart A is amended by removing the "Reserved" designation for § 600.26 and substituting the following section heading:

Subpart A—General

Sec.

* * * * *

600.26 Disputes and appeals.

* * * * *

3. Section 600.2 is amended by revising paragraphs (c) and (d) and to read as follows:

§ 600.2 Applicability.

* * * * *

(c) The disputes and appeals procedures set forth in § 600.26 shall apply to any new, continuation or renewal award made after the effective date of this paragraph, and to any active, expired, terminated, or closed-out grant or cooperative agreement provided, however, a final determination (see, § 600.26(a)) in any dispute is issued on or after the effective date of this paragraph. If requested in writing by the appellant or appellants, the Financial Assistance Appeals Board shall have jurisdiction, as provided in § 600.26(d), to decide an appeal from a final determination issued not more than 90 days before the effective date of this paragraph.

(d) [Reserved].

* * * * *

4. In § 600.23, paragraph (a) is revised as follows:

§ 600.23 Notification to unsuccessful applicants.

(a) DOE shall promptly notify in writing each applicant whose application has not been selected for award or whose application cannot be funded because of the unavailability of appropriated funds. If the application was not selected, the written notice shall briefly explain why the application was not selected and, if for grounds other than unavailability of funds, shall offer the unsuccessful applicant the opportunity for a more detailed explanation upon request. If the notice of non-selection involves a solicited application, the unsuccessful applicant may specify, in its request for a more detailed explanation, any objections to or apparent defects in the selection procedures followed by DOE.

* * * * *

5. Section § 600.26 is revised by removing the "Reserved" designation from the section heading and by adding the following regulatory text:

§ 600.26 Disputes and appeals.

(A) *Final determination.* Whenever practicable, DOE shall attempt to resolve informally any dispute over the award or administration of financial assistance. At the initiative of DOE or upon the written request of an applicant for a continuation award or of a recipient, DOE shall mail (by certified mail) a brief written determination signed by a Contracting Officer, setting forth DOE's final disposition of any dispute which is not resolved informally. Such determination shall contain the following information:

(1) A summary of the dispute, including a statement of the issues and of the positions taken by the Department and the party or parties to the dispute; and

(2) The factual, legal and policy reasons for DOE's disposition of the dispute.

(b) *Right of appeal.* Except as provided in paragraph (d)(1) of this section, the final determination under paragraph (a) of this section may be appealed to the Financial Assistance Appeals Board (the Board) in accordance with the procedures set forth in 10 CFR Part 1024. If the final determination under paragraph (a) of this section involves a dispute over which the Board has jurisdiction as provided in paragraph (d)(2) of this section, the Contracting Officer's determination shall state that, with respect to such dispute, the determination shall be the final decision of the Department unless, within 60 days, a written notice of appeal is filed. If the final determination under paragraph (a) of this section involves a dispute over which the Board has no jurisdiction as provided in paragraph (d)(1) of this section, the Contracting Officer's determination shall state that, effective immediately or on a later date specified therein, the determination shall, with respect to such dispute, be the final decision of the Department.

(c) *Effect of appeal.* The filing of an appeal with the Board shall not stay any determination or action taken by DOE which is the subject of the appeal. Consistent with its obligation to protect the interests of the Federal Government, DOE may take such authorized actions as may be necessary to preserve the status quo pending decision by the Board, or to preserve its ability to provide relief in the event the Board decides in favor of the appellant.

(d) *Review on appeal.* (1) The Board shall have no jurisdiction to review:

(i) Any preaward dispute (except as provided in paragraph (d)(2)(ii) of this section), including use of any special restrictive condition pursuant to § 600.105;

(ii) DOE denial of a request for a deviation under § 600.4 of this part;

(iii) DOE denial of a request for a budget revision or other change in the approved project under §§ 600.103, 600.114 or 600.271 of this part or under another term or condition of the award;

(iv) Any DOE action authorized under §§ 600.121(b)(1), (2), (3) or (5) or 600.271 of this part with respect to recipient noncompliance, or such actions authorized by program rule;

(v) Any DOE decision about an action requiring prior DOE approval, under §§ 600.112(g), 600.119, or 600.271 of this part or under another term or condition of the award;

(vi) A DOE decision not to make a continuation award, which decision is based on the insufficiency of available appropriations;

(vii) Any matter which is under the jurisdiction of the Patent Compensation Board (10 CFR 780.3);

(viii) Any matter which may be heard by the Invention Licensing Appeals Board (10 CFR 781.65 and 781.66); or

(ix) Any other dispute not described in paragraph (d)(2) of this section.

(2) In addition to any right of appeal established by program rule, or by the terms and conditions (not inconsistent with paragraph (d)(1) of this section) of an award, the Board shall have jurisdiction to review:

(i) A DOE determination that the recipient has failed to comply with the applicable requirements of this part, the program statute or rules, or other terms and conditions of the award;

(ii) A DOE decision not to make a continuation award based on any of the determinations described in paragraph (d)(2)(i) of this section;

(iii) Termination of an award for cause, in whole or in part, by DOE;

(iv) A DOE determination that an award is void or invalid;

(v) The application by DOE of an indirect cost rate; and

(vi) DOE disallowance of costs.

(3) In reviewing disputes authorized under paragraph (d)(2) of this section, the Board shall be bound by the applicable law, statutes, and rules, including the requirements of this part, and by the terms and conditions of the award.

(4) The decision of the Board shall be the final decision of the Department.

4. In Subpart B, paragraphs (b)(5)–(b)(10) of § 600.121 are revised to read as follows:

§ 600.121 Noncompliance.

* * * * *

(b) * * *

(5) Disapprove renewal applications or other requests for extension of time or additional funding for the same project;

(6) Decline to make a continuation award;

(7) Invalidate an award that was obtained fraudulently;

(8) Recover funds and tangible property up to the amount of the award;

(9) Determine that the grantee is not responsible as provided in § 600.104; and

(10) Initiate such other legal actions as may be appropriate.

* * * * *

[FR Doc. 83-20340 Filed 7-27-83; 8:45 am]

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federal register

Thursday
July 28, 1983

Part IV

Department of Health and Human Services

Public Health Service

Protection of Human Subjects; Reports of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research; Notice of Availability and Request for Public Comment

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Protection of Human Subjects; Reports of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research

AGENCY: Office of the Assistant Secretary for Health, HHS.

ACTION: Notice of availability of reports and request for public comment.

SUMMARY: This notice summarizes the reports of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, provides information on how these reports may be obtained, and requests public comment on the reports. The following summaries are intended to highlight conclusions and recommendations and do not provide in themselves complete information. It is strongly suggested that interested persons obtain complete copies of reports in order to fully understand the context in which various conclusions and recommendations were made.

DATE: The comment period will close November 25, 1983.

ADDRESS: Please send comments or requests for additional information to: Carol Young, Office for Protection from Research Risks, National Institutes of Health, 9000 Rockville Pike, Building 31, Room 4B09, Bethesda, Maryland 20205. Please specify to which report each comment pertains. All comments received will be available for inspection weekdays (Federal holidays excepted) between the hours of 9:00 a.m. and 4:30 p.m. at this address.

SUPPLEMENTARY INFORMATION: On November 9, 1978, the Public Health Service Act (Pub. L. 95-622) was amended to establish the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. The Commission was charged with responsibility to study and report on the ethical and legal implications of a number of issues in medicine and research, as well as such other matters relating to medicine or biomedical or behavioral research as directed by the President, requested by the head of a Federal agency, or undertaken by the Commission on its own initiative. The Commission published ten reports before it terminated on March 31, 1983. Each report is briefly summarized below. Information on obtaining the reports is provided at the end of this notice. Public comment on any of the reports is welcome and should be sent to the address provided above.

Defining Death—A Report on the Medical, Legal and Ethical Issues in the Determination of Death (July 1981)

The legislation for the Commission directed it to study "the ethical and legal implications of the matter of defining death, including the advisability of developing a uniform definition of death." In summary, the central conclusions arrived at by the Commission in this report are:

1. That recent developments in medical treatment necessitate a restatement of the standards traditionally recognized for determining that death has occurred.

2. That such a restatement ought preferably to be a matter of statutory law.

3. That such a statute ought to remain a matter for state law, with federal action at this time being limited to areas under current federal jurisdiction.

4. That the statutory law ought to be uniform among the several states.

5. That the "definition" contained in the statute ought to address general physiological standards rather than medical criteria and tests, which will change with advances in biomedical knowledge and refinements in technique.

6. That death is a unitary phenomenon which can be accurately demonstrated either on the traditional grounds of irreversible cessation of heart and lung functions or on the basis of irreversible loss of all functions of the entire brain.

7. That any statutory "definition" should be kept separate and distinct from provisions governing the donation of cadaver organs and from any legal rules on decisions to terminate life-sustaining treatment.

To embody these conclusions in statutory form the Commission recommends the adoption of the following statute in all jurisdictions in the United States:

Uniform Determination of Death Act

An individual who has sustained either: (1) Irreversible cessation of circulatory and respiratory functions, or (2) irreversible cessation of all functions of the entire brain, including the brain stem, is dead. A determination of death must be made in accordance with accepted medical standards.

Protecting Human Subjects—First Biennial Report on the Adequacy and Uniformity of Federal Rules and Policies, and their Implementation, for the Protection of Human Subjects in Biomedical and Behavioral Research (December 1981)

The Commission was mandated to report on the adequacy and uniformity of the rules, policies, guidelines, and regulations of all Federal agencies regarding the protection of human subjects of research that such agencies conduct or support. The recommendations of this report affect 19 Federal agencies, and therefore this report was published in full in the **Federal Register** on March 29, 1982 (47 FR 13272). In summary, this report recommended the following:

(1) All Federal agencies should adopt the regulations of the Department of Health and Human Services (HHS) (45 CFR Part 46).

(2) The Secretary, HHS, should establish an office to coordinate and monitor government-wide implementation of the regulations.

(3) Each Federal agency should apply one set of rules consistently to all its subunits and funding mechanisms.

(4) Principal investigators should be required to submit annual data on the number of subjects in their research and the number and nature of adverse effects.

(5) The National Commission's recommendations on research involving children and the mentally disabled should be acted upon promptly.

(6) "Private" research organizations receiving direct Federal appropriations should be required to follow regulations for the protection of human subjects.

(7) Institutions should be free to use offices other than IRBs to respond to reports of misconduct and should have procedures for prompt reporting of their findings to the funding agency.

(8) IRBs should be required only to report to appropriate officials of their institution (rather than to the funding agency) when they learn of possible misconduct and to respond to the findings of those officials.

(9) There should be government-wide procedures for debarring grantees and contractors found guilty of serious misconduct, as well as a consolidated list of formal debarments and suspensions that is actively shared with government agencies, professional societies, and licensing boards. Any formal finding by one agency, following such procedures, should be conveyed to other Federal agencies, along with the determination on which it was based.

Compensating for Research Injuries—The Ethical and Legal Implications of Programs to Redress Injured Research Subjects (June 1982)

This study was not within the Commission's specific mandate, but was taken up at the request of former Department of Health and Human Services Secretary Patricia Harris and at the urging of the former HEW Ethics Advisory Board. After studying the issue of whether to recommend compensation for subjects injured in research, the Commission concluded that present data does not provide an adequate basis to decide how the ethical obligation towards subjects should be met. Therefore, the Commission recommended that the Secretary of Health and Human Services conduct a small-scale experiment in which several institutions would receive Federal support over three to five years for the administrative and insurance costs of providing compensation on a nonfault basis to injured research subjects. The Commission also recommended that the features of the compensation plan be varied at different institutions (i.e., the level of benefits provided; means of determining causation; whether nonphysical injuries would be covered). The Commission contends that information derived from such variations, as well as from the experience of comparable institutions without research compensation programs, should permit HHS to determine not only the need for a full-scale program, if any, but also the format and auspices that appear best suited to achieve the desired result.

This report was published in full in the **Federal Register** on November 23, 1982 (47 FR 52880).

Making Health Care Decisions—A Report on the Ethical and Legal Implications of Informed Consent in the Patient-Practitioner Relationship (October 1982)

Making Health Care Decisions traces the history of informed consent in the law and in medical practice and briefly sketches recent changes in the nature of health care and in society's expectations for the patient-professional relationship. Special attention is given to the values underlying informed consent, and to innovative approaches in patient-professional communication and decisionmaking that appear to be practically as well as theoretically sound. The report examines legal rules along with professional attitudes and behavior as they are shaped by education and training, for their potential to provide patients with an effective basis to participate in decisionmaking. Since certain people are unable to make some or all decisions on their own behalf, the Commission set forth principles and procedures for health care decisions that others must make for patients who lack decisionmaking capacity.

The Commission's findings and conclusions in this report can be summarized as follows:

(1) Although the informed consent doctrine has substantial foundations in law, it is essentially an ethical imperative.

(2) Ethically valid consent is a process of shared decisionmaking based upon mutual respect and participation, not a ritual to be equated with reciting the contents of a form that details the risks of particular treatments.

(3) The literature about informed consent often portrays it as a highly rational process, suitable primarily for intelligent, highly articulate, self-aware individuals. The Commission found, however, a universal desire for information, choice, and respectful communication about decisions—for all patients, in all health care settings.

(4) Informed consent is based upon the principle that competent individuals are entitled to make health care decisions based upon their own personal values and in furtherance of their own personal goals. However, patient choice is not absolute:

—Patients are not entitled to insist that health care practitioners furnish them services when to do so would breach the bounds of acceptable practice or violate a professional's own deeply held moral beliefs or would draw on a limit resource to which the patient has no binding claim.

—In order to promote self-determination and patient well-being, individuals should be presumed to have decisionmaking capacity; only in a small minority of cases should incapacity disqualify a patient from making a decision regarding health care.

—Alternative arrangements should be made for decisionmaking on behalf of individuals who lack substantial capacity to make their own decisions; incapacity should be viewed, however, as specific to each particular decision.

—Persons lacking decisional capacity should be consulted about their own preferences, to the extent feasible, out of respect for them as individuals.

(5) Health care providers should not ordinarily withhold unpleasant information simply because it is unpleasant.

(6) Achieving the goal of shared decisionmaking based upon mutual respect is ultimately the responsibility of individual health care professionals. However, health care institutions such as hospitals also have important roles to play in fostering the process.

(7) Patients should have access to the information they need to help them understand their conditions and make treatment decisions.

(8) Improvements in the relationship between health care professionals and patients must come not primarily from the law but from changes in the teaching, examination, and training of health care professionals.

(9) Family members are often of great assistance to patients in helping them to understand information about their condition and in making decisions about treatment. Their involvement should be encouraged to the extent compatible with respect for the privacy and autonomy of individual patients.

(10) In order to promote a greater commitment of time to the process of shared decisionmaking, reimbursement schedules for all medical and surgical interventions should take account of the time necessarily spent in discussion with patients.

(11) To protect the interests of patients who lack decisionmaking capacity:

—Decisions made by others should, when possible, replicate those the patients would make if they were capable; when that is not feasible, the decisions of surrogates should protect the patients;' best interests.

—Health care institutions should consider using mechanisms such as "ethics committes" for review and consultation regarding decisionmaking for those who lack the capacity to decide.

—State courts and legislatures should consider making provision for advance directives through which people may designate others to make health care decisions on their behalf and/or give instructions about their care should they become incapacitated.

Splicing Life—A Report on the Social and Ethical Issues of Genetic Engineering with Human Beings (November 1982)

This study, which was not within the Commission's specific legislative mandate, was prompted by a letter to the President in July 1980, from Jewish, Catholic, and Protestant associations. At the urging of the President's Science Advisor, the Commission addressed some of the major ethical and social

implications of development and prospects in the human applications of molecular genetics. First, *Splicing Life* attempts to clarify concerns about genetic engineering and to provide technical background intended to increase public understanding of the capabilities and potential of the technique. Next, the report evaluates the issues of concern and analyzes the need for an oversight mechanism.

In summary, the Commission found that:

(1) Although public concern about gene splicing arose in the context of laboratory research with microorganisms, it seemed to reflect a deeper anxiety that work in this field might remake human beings, like Dr. Frankenstein's monster. These concerns seem to the Commission to be exaggerated. It is true that the genetic engineering techniques are not only a powerful new tool for manipulating nature—including means of curing human illness—but also a challenge to some deeply held feelings about the meaning of being human and of family lineage. But as a product of human investigation and ingenuity, the new knowledge is a celebration of human creativity, and the new powers are a reminder of human obligations to act responsibly.

(2) Genetic engineering techniques are advancing very rapidly. Two breakthroughs in animal experiments during 1981 and 1982, for example, bring human applications of gene splicing closer: in one, genetic defects have been corrected in fruit flies; in another, artificially inserted genes have functioned in succeeding generations of mammals.

(3) Genetic engineering techniques are already demonstrating their great potential value for human well-being. The aid that these new developments may provide in the relief of human suffering is an ethical reason for encouraging them.

—Although the initial benefits to human health involve pharmaceutical applications of the techniques, direct diagnostic and therapeutic uses are being tested and some are already in use.

—Use of the new techniques in genetic screening will magnify the ethical considerations already seen in that field because they will greatly enlarge the demand for, and even the objectives of, prenatal diagnosis.

(4) Many human uses of genetic engineering resemble accepted forms of diagnosis and treament employing other techniques. The novelty of gene splicing ought not to erect any automatic impediment to its use but rather should provoke thoughtful analysis.

—Especially close scrutiny is appropriate for any procedures that would alter the genes passed on to patients' offspring.

—Interventions aimed at enhancing "normal" people, as opposed to remedying recognized genetic defects, are problematic; there is a danger of drifting toward attempts to "perfect" human beings once the door of "enhancement" is opened.

(5) Questions about the propriety of gene splicing are sometimes phrased as objections to people "playing God." The Commission is not persuaded that the scientific procedures in question are inherently inappropriate for human use. It does believe, nevertheless, that objections of this sort, which are strongly felt by many people, deserve serious attention and that they serve as a valuable reminder that great powers imply great responsibility. If beneficial rather than catastrophic consequences are to flow from the use of "God-like" Powers, an unusual degree of care will be needed with novel applications.

(6) The generally very reassuring results of laboratory safety measures have led to a relaxation of the rules governing gene splicing research that were established when there was widespread concern about the Potential risks of the research. Today those regulating gene splicing research operate from the assumption that most such research is safe, when conducted according to normal scientific standards; those opposing that position face the task of proving otherwise.

(7) The Recombinant DNA Advisory Committee (RAC) at the National Institutes of Health has developed guidelines for laboratory research involving genetic engineering. The time has now come to broaden the area under scrutiny to include issues raised by the intended uses of the technique rather than solely the unintended exposure from laboratory experiments. It would also be desirable for this "next generation" RAC to be independent of Federal funding bodies such as NIH, which is the major Federal sponsor of gene splicing research, to avoid any real or perceived conflict of interest.

(8) The process of scrutiny should involve a range of participants with different backgrounds—not only the Congress and Executive Branch agencies but also scientific and academic associations, industrial and commercial groups, ethicists, lawyers, religious and educational leaders, and members of the general public. Several formats deserve consideration, including initial reliance on voluntary bodies of mixed public-private membership. Alternatively, the task could be assigned to this Commission's successor, as one among a variety of issues in medicine and research before such a body, or to a commission concerned solely with gene splicing. Whatever format is chosen, the group should be broadly based and not dominated by geneticists or other scientists, although it should be able to turn to experts for advice.

(9) The need for an appropriate oversight body is based upon the profound nature of the implications of gene splicing as applied to human beings, not upon any immediate threat of harm.

Screening and Counseling for Genetic Conditions—A Report on the Ethical, Social and Legal Implications of Genetic Screening, Counseling, and Education Programs (February 1983)

In this report, the Commission discusses basic facts about past genetic screening and counseling efforts and sets forth a number of conclusions and recommendations on how education, screening, and counseling programs could take account of important ethical and legal concerns. The Commission found that advances in medical genetics have greatly enhanced health and well-being, and that some programs could have less beneficial consequences if they are not limited in certain ways, but most are not matters for concern or controversy.

The Commission's major conclusions fall into five categories and can be summarized as follows:

Confidentiality

(1) Genetic information should not be given to unrelated third parties, such as insurers or employers, without the explicit and informed consent of the person screened or a surrogate for that person.

(2) Private and governmental agencies that use data banks for genetics-related information should require that stored information be coded whenever that is compatible with the purpose of the data bank.

(3) Genetic information should be released to relatives (or their physicians) without the patient's consent if and only if the following four conditions are met: (a) Reasonable efforts to elicit voluntary consent to disclosure have failed; (b) there is a high probability both that harm will occur if the information is withheld and that the disclosed information will actually be used to avert harm; (c) the harm that identifiable individuals would suffer if

the information is not disclosed would be serious; and (d) appropriate precautions are taken to ensure that only the genetic information needed for diagnosis and/or treatment of the disease in question is disclosed.

(4) Law reform bodies, working closely with professionals in medical genetics and organizations interested in adoption policies, should urge changes in adoption laws so that information about serious genetic risks can be conveyed to adoptees or their biological families. Genetic counselors should mediate the process by which adoptive records are unsealed and newly discovered health risks are communicated to affected parties.

Atonomy

(5) Mandatory gentic screening programs are only justified when voluntary testing proves inadequate to prevent serious harm to the defenseless, such as children, that could be avoided were screening performed.

(6) Professionals should generally promote and protect patient choices to undergo genetic screening and counseling, although the use of amniocentesis for sex selection should be discouraged.

Knowledge

(7) Decisions regarding the release of incidental findings (such as nonpaternity) or sensitive findings (such as diagnosis of an XY-female) should begin with a presumption in favor of disclosure, while still protecting a client's other interest, as determined on an individual basis. In the case of nonpaternity, accurate information about the risk of the mother and putative father bearing an affected child should be provided even when full disclosure is not made.

(8) Efforts to develop genetics curricula for elementary, secondary, and college settings and to work with educators to incorporate appropriate materials into the classroom are commendable.

(9) Professional educators, working with specialty societies and program planners, should identify effective methods to educate professionals about new screening tests. Programs to train health professionals, pastoral counselors, and others in the technical, social, and ethical aspects of genetic screening deserve support.

Well-Being

(10) Screening programs should not be undertaken unless accurate results will be produced routinely and a full range of prescreening and follow-up services are available.

(11) A genetic history and, when appropriate, genetic screening, should be required of men donating sperm for artificial insemination; professional medical associations should take the lead in identifying what genetic information should be obtained and in establishing criteria for excluding a potential donor.

—Records of sperm donors are necessary, but should be maintained in a way that preserves confidentiality to the greatest extent possible.
—Women undergoing artificial insemination should be given genetic information about the donor as part of the informed consent process.

Equity

(12) Access to screening may take account of the incidence of genetic disease in various racial or ethnic groups within the population without violating principles of equity, justice, and fairness.

(13) Policies on the availability of a genetic service should be subjected to review by a broadly based process that is responsive to the full range of relevant considerations.

—The time has come for such a review of the common medical practice of limiting amniocentesis for "advanced maternal age" to women 35 years or older.

(14) Determination of issues such as which groups are at high risk for screening or at what point the predictive value of a test is sufficiently high requires ethical as well as technical analyses.

(15) Cost-benefit analysis can make a useful contribution to allocational decisionmaking; difficult ethical issues, however, must still be confronted.

Deciding to Forego Life-Sustaining Treatment—Ethical, Medical, and Legal Issues in Treatment Decisions (March 1983)

This subject was not part of the Commission's specific legislative mandate but was added as a natural outgrowth of earlier studies on informed consent, the definition of death, and access to health care. The Commission's conclusions in *Deciding to Forego Life-Sustaining Treatment* are numerous and deal with complex issues of law, medicine, ethics, and social policy in a manner that cannot be paraphrased or summarized without introducing the possibility of significant distortion, misinterpretation, or over-simplification. In general, the conclusions describe the appropriate roles and responsibilities of individuals, institutions, and framers of public policy (including the courts) in three important areas—assisting patients and their families in making difficult decisions, resolving different views among interested parties, and setting limits on the choices that may be accepted under certain circumstances.

Throughout the report the Commission emphasized the importance of:

—Respecting the choices of individuals competent to decide to forego even life-sustaining treatment;
—Providing mechanisms and guidelines for decision-making on behalf of patients unable to do so on their own;
—Maintaining a presumption in favor of sustaining life;
—Improving the medical options available to dying patients;
—Providing respectful, responsive, and supportive care to patients for whom no further medical therapies are available or elected; and
—Encouraging health care institutions to take responsibility for ensuring that adequate procedures for decision-making are available for all patients.

The Commission also concluded that the choices of patients, their families, and health care providers may legitimately be limited in certain ways on grounds of public policy, professional judgment, and considerations of resources scarcity.

Securing Access to Health Care—The Ethical Implications of Differences in the Availability of Health Services (March 1983)

This report responds to the mandate that the President's Commission report on the ethical implications of "differences in the availability of health services" among various groups in the United States. The Commission does not propose any new policy initiatives, for its mandate lies in ethics not in health policy development. But it has tried to provide a framework within which debates about health policy might take place, and on the basis of which policymakers can ascertain whether some proposals do a better job than others of securing health care on an equitable basis.

The Commission concludes that:

(1) Society has an ethical obligation to ensure equitable access to health care for all.

(2) The societal obligation is balanced by individual obligations. Individuals ought to pay a fair share of the cost of their own health care and take reasonable steps to provide for such care when they can do so without excessive burdens. Nevertheless, the origins of health needs are too complex, and their manifestation too acute and

severe, to permit care to be regularly denied on the grounds that individuals are solely responsible for their own health.

(3) Equitable access to health care requires that all citizens be able to secure an adequate level of care without excessive burdens.

(4) When equity occurs through the operation of private forces, there is no need for government involvement, but the ultimate responsibility for ensuring that society's obligation is met, through a combination of public and private sector arrangements, rest with the Federal government.

(5) The cost of achieving euitable access to health care ought to be shared fairly, and not be allowed to fall more heavily on the shoulders of particular practitioners, institutions, or residents of different localities.

(6) Efforts to contain rising health care costs are important but should not focus on limiting the attainment of equitable access for the least well served portion of the public.

Implementing Human Research Regulations—The Adequacy and Uniformity of Federal Rules and of their Implementation (March 1983)

The President's Commission was directed by Congress to report every two years on the adequacy and uniformity of the federal rules and policies for the protection of human subjects in biomedical and behavioral research, as well as the adequacy and uniformity of their implementation. In this, the second "Biennial Report," the Commission makes six recommendations which can be summarized as follows:

Improving the Adequacy of Regulations

(1) Congressional committees with oversight responsibilities for biomedical and behavioral research should monitor the progress of the administrative agencies in responding to the recommendations of the Commission's 1981 and 1982 reports on *Protecting Human Subjects.*

(2) An Ethics Advisory Board should be reestablished within the Department of HHS either through Congressional action, as part of the authorization of the NIH and ADAMHA research programs, or by the HHS Secretary.

(3) Federal agencies should clarify the meaning of certain procedural requirements of present regulations, particularly what is meant by "IRB review."

Improving the Implementation of the Regulations

(4) A uniform system for implementing all Federal rules to protect human subjects should be established under a single office, and should include both assurances of regulatory compliance provided in advance by research institutions and periodic site visits to the institutions. Federal agencies that do not already do so should, as soon as practicable, identify the IRB's responsible for the initial and continuing review of research for which they have regulatory responsibility.

(5) The prospective review of institutional assurances of compliance with applicable regulations should consider the amount and types of research that each IRB anticipates reviewing and should determine that requirements regarding IRB composition are met, that sound procedures have been established for the IRB's review of research, and that the institution understands its responsibilities for protecting human subjects.

(6) A broad educational and monitoring program covering the protection of human subjects and designed to reach investigators, IRB members, and research administrators should be conducted. Among the various activities included in the program should be site visits of research institutions using experienced IRB members and staff as site visitors.

Summing Up—Final Report on Studies of the Ethical and Legal Problems in Medicine and Biomedical and Behavioral Research (March 1983)

This report provides an overview of the Commission's work since its inception in January, 1980, to its expiration in March, 1983. All of the Commission's reports are summarized in this volume, and the current status of the reports' recommendations is reviewed. In addition, this final report places the individual Commission studies into a larger context of recurring themes. A summary of the Commission's work and conclusions on its congressionally mandated study of privacy and confidentiality in medicine, which were not presented in a separate report, is also included in this volume.

Copies of the Commission's reports, as well as accompanying appendices, are available through the Government Printing Office. To receive copies, specify the title of the document and the stock number, and send a check in the appropriate amount payable to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 (Telephone 202-783-3238).

Document	Stock No.	Cost per copy
Compensating for Research Injuries		
Volume One: Report	040-000-00455-6	$5.50
Volume Two: Appendices	040-000-00456-4	8.50
Deciding to Forego Life-Sustaining:		
Treatment	040-000-00470-0	8.00
Defining Death	040-000-00451-3	6.50
Implementing Human Research Regulations (1983 Biennial Report)	040-000-00471-8	5.50
Making Health Care Decisions:		
Volume One: Report	040-000-00459-9	6.00
Volume Two: Appendices	040-000-00468-8	8.00
Volume Three: Appendices	040-000-00469-6	6.50
Protecting Human Subjects (1981 Biennial Report)	040-000-00452-1	6.50
Screening and Counseling for Genetic Conditions	040-000-00461-1	5.00
Securing Access to Health Care:		
Volume One: Report	040-000-00472-6	6.00
Volume Two: Appendices	040-000-00473-4	7.00
Volume Three: Appendices	040-000-00474-2	7.50
Splicing Life	040-000-00464-5	5.00
Summing Up (Final Report)	040-000-00475-1	5.50

Dated: July 21, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83-20510 Filed 7-27-83; 8:45 am]

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Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

Listing of Public Laws

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202-275-3030).

S.J. Res. 96 / Pub. L. 98-58 To designate August 1, 1983, as "Helsinki Human Rights Day". (July 25, 1983; 97 Stat. 294) Price: $1.50

H.R. 3392 / Pub. L. 98-59 To amend the Agricultural Act of 1949. (July 25, 1983; 97 Stat. 296) Price: $1.50