OK

8-2-83
Vol. 48 No. 149
Pages 34929-35068

federal register

Tuesday
August 2, 1983

Selected Subjects

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register**.

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

Selected Subjects

Medicare
Health Care Financing Administration

Occupational Safety and Health
Occupational Safety and Health Administration

Price Support Programs
Commodity Credit Corporation

Quarantine
Animal and Plant Health Inspection Service

Small Businesses
Small Business Administration

Television
Federal Communications Commission

Contents

Federal Register
Vol. 48, No. 149
Tuesday, August 2, 1983

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR
Executive orders:
12436.....34931
Proclamations:
5078.....34929

7 CFR
1430.....34933

9 CFR
78.....34943

10 CFR
Proposed Rules:
Ch. I.....34966

12 CFR
220.....34944
303.....34945

13 CFR
Proposed Rules:
121.....34966

17 CFR
140.....34945
Proposed Rules:
145.....34971
146.....34971
147.....34971

18 CFR
410.....34946

20 CFR
Proposed Rules:
652.....34974

21 CFR
74.....34946
436.....34947
522.....34947
558 (3 documents).....34948, 34949
Proposed Rules:
184.....34974

24 CFR
203.....34949
235.....34949

29 CFR
1952 (2 documents).....34950, 34951

32 CFR
263.....34952
Proposed Rules:
65.....34974

34 CFR
200.....34953

38 CFR
Proposed Rules:
21.....34975

40 CFR
271 (2 documents).....34954
Proposed Rules:
52.....34976
62.....34978
302.....34979

42 CFR
Proposed Rules:
405.....34979
421.....34979

44 CFR
64.....34957

47 CFR
73 (2 documents).....34959
83.....34961
90.....34961
Proposed Rules:
68.....34985
76.....34986
90.....34987

50 CFR
17.....34961
611.....34962
662.....34963
674.....34965
Proposed Rules:
32.....34987

Federal Register
Vol. 48, No. 149
Tuesday, August 2, 1983

Presidential Documents

Title 3—

The President

Proclamation 5078 of July 29, 1983

National Paralyzed Veterans Recognition Day, 1983

By the President of the United States of America

A Proclamation

The people of this great Nation owe a tremendous debt of gratitude to the brave men and women of our Armed Forces who have fought to preserve America's freedom and independence. National Paralyzed Veterans Recognition Day offers us an opportunity to express our appreciation to a very special group of our veterans—those who suffer the disability of paralysis.

On this day of tribute to these dedicated citizens, we honor them for the great sacrifice they made for their country, and praise them for the courage, determination, and perseverance they demonstrate daily in facing the difficult challenges of their disabilities. The strong will and spirit which they exhibit in overcoming the limitations of their paralysis serve as an inspiring display of the American drive to achieve, build, and advance which has kept this country strong for the past two centuries. Each of us is heartened by the knowledge that this Nation's paralyzed veterans lead active, productive lives which enrich us all. It is indeed appropriate that we set aside a special day upon which to thank them for their past and continuing contributions to this country.

In recognition of the sacrifices and contributions that these veterans have made and the service rendered by the many veterans who later suffered paralysis from nonservice related causes, the Congress of the United States, by House Joint Resolution 258, has designated August 3, 1983, as "National Paralyzed Veterans Recognition Day," and has authorized and requested the President to issue a proclamation in observance of that day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim August 3, 1983, as National Paralyzed Veterans Recognition Day. I call upon the people of the United States and interested organizations to mark this day with appropriate observances to honor the sacrifices and service of paralyzed veterans.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th 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. 83-21083
Filed 8-1-83; 10:06 a.m.]
Billing code 3195-01-M

Presidential Documents

Executive Order 12436 of July 29, 1983

Payment of Certain Benefits to Survivors of Persons Who Died in or as a Result of Military Service

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 156 of Public Law 97-377 (96 Stat. 1920; 42 U.S.C. 402 note), in order to provide certain benefits to the surviving spouses and children of certain persons who died in or as a result of military service, it is hereby ordered as follows:

Section 1. The Administrator of Veterans' Affairs is designated to administer the provisions of Section 156 of Public Law 97-377.

Sec. 2. The Secretary of Health and Human Services shall provide to the Administrator of Veterans' Affairs such information and such technical assistance as the Administrator may reasonably require to discharge his responsibilities under Section 156. The Administrator of Veterans' Affairs shall reimburse the Department of Health and Human Services for all expenses it incurs in providing such information and technical assistance to the Veterans' Administration. Such expenses shall be paid from the Veterans' Administration account described in Section 3 of this Order.

Sec. 3. During fiscal year 1983 and each succeeding fiscal year, the Secretary of Defense shall transfer, from time to time, from the "Retired Pay, Defense" account of the Department of Defense to an account established in the Veterans' Administration, such amounts as the Administrator of Veterans' Affairs determines to be necessary to pay the benefits authorized by Section 156 during fiscal year 1983 and each succeeding fiscal year, and the expenses incurred by the Veterans' Administration in paying such benefits during fiscal year 1983 and each succeeding fiscal year. Such transfers shall, to the extent feasible, be made in advance of the payment of benefits and expenses by the Veterans' Administration.

Sec. 4. This Order shall be effective as of January 1, 1983.

Ronald Reagan

THE WHITE HOUSE,
July 29, 1983.

[FR Doc. 83-21084
Filed 8-1-83; 10:07 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 48, No. 149
Tuesday, August 2, 1983

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1430

1982–83 and 1983–84 Milk Price Support Program

AGENCY: Commodity Credit Corporation.

ACTION: Notice of Determination for 1982–83 and 1983–84 Milk Price Program.

SUMMARY: As part of the milk price support program, the Commodity Credit Corporation (CCC) hereby determines that for the period September 1, 1983, through September 30, 1983, 50 cents per hundredweight will be deducted from the proceeds of sale of all milk marketed commercially by producers. This deduction will be in addition to the 50 cents per hundredweight deduction implemented as of April 16, 1983. CCC further determines that for the period October 1, 1983, through September 30, 1984, the price of milk will be supported at $13.10 per hundredweight and that two 50-cent per hundredweight deductions totaling $1.00 will be made from the proceeds of the sale of all milk marketed commercially by producers. These determinations are authorized by the Agricultural Act of 1949 ("1949 Act"), as amended by section 101 of the Omnibus Budget Reconciliation Act of 1982 ("Reconciliation Act") (Pub. L. 97–253, 96 Stat. 763, approved September 8, 1982).

EFFECTIVE DATE: September 1, 1983.

FOR FURTHER INFORMATION CONTACT: Charles N. Shaw, Dairy/Sweeteners Group, Analysis Division, ASCS–USDA, 3741 South Building, P.O. Box 2415, Washington, D.C. 20013 (202) 447–7601. The Final Regulatory Impact Analysis is published as an appendix to this determination. The Final Regulatory Flexibility Analysis is available from Charles N. Shaw.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified as a "major" action since the determination will result in an annual effect on the economy in excess of $100 million.

The title and number of the Federal assistance program to which this notice applies are: Title—Commodity Loans and Purchases; Number—10.051 as found in the Catalog of Federal Domestic Assistance.

The Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*) is not applicable to this notice of determination since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice. While the Secretary of Agriculture has determined that CCC will voluntarily comply with the provisions of 5 U.S.C. 553 (b) and (c), the Regulatory Flexibility Act does not apply to voluntary agency compliance with proposed rulemaking procedures. Nevertheless, since this notice of determination may have a significant economic impact on a substantial number of small entities, a Final Regulatory Flexibility Analysis has been prepared.

An Environmental Evaluation of the effect of this notice of determination has also been completed. The notice of determination is not expected to have any significant impact on the quality of the human environment. In addition, this action will not adversely affect environmental factors such as water quality or air quality. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Statutory Authority

Section 201(c) of the 1949 Act provides that the price of milk shall be supported at a level not in excess of 90 percent nor less than 75 percent of parity as the Secretary determines necessary in order to assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs. Section 201(d) of the 1949 Act, as added by the Reconciliation Act in 1982, provides, however, that notwithstanding any other provision of law, for the period beginning October 1, 1982 and ending September 30, 1984, the price of milk shall be supported at not less than $13.10 per hundredweight for milk containing 3.67 percent milkfat.

Section 201(d) of the 1949 Act also authorizes the Secretary of Agriculture, during the period October 1, 1982 through September 30, 1985, to provide for a deduction of 50 cents per hundredweight from the proceeds of the sale of all milk marketed commercially by producers. These deductions are to be remitted to CCC to offset a portion of the cost of the dairy price support program. This authority does not apply for any fiscal year for which the Secretary estimates that the net price support purchases will be less than 5 billion pounds milk equivalent. If at any time during a fiscal year the Secretary estimates that the net price support purchases during that year will be less than 5 billion pounds, the authority for making deductions will not apply for the balance of the year.

Section 201(d) of the 1949 Act further authorizes the Secretary of Agriculture, during the period April 1, 1983 through September 30, 1985, to provide for an additional deduction of 50 cents per hundredweight from the proceeds of sale of all milk marketed commercially by producers if a program is established whereby the second 50-cent deduction is refunded to producers who reduce their milk marketings by a specified amount. This authority does not apply to any fiscal year for which the Secretary estimates that the net price support purchases of dairy products will be less than 7.5 billion pounds milk equivalent during the fiscal year.

Background

For the period October 1, 1982 through September 30, 1983 the level of price support for manufacturing grade milk of national average milkfat content, 3.67 percent, was established at $13.10 per hundredweight by a notice promulgated on September 24, 1982 (47 FR 42128).

A determination to impose a deduction of 50 cents per hundredweight from the proceeds of sale of all milk marketed commercially, beginning on April 16, 1983, was published in the **Federal Register** on March 17, 1983 (48 FR 11253).

Proposed regulations establishing procedures for collecting an additional deduction of 50 cents per hundredweight from the proceeds of the sale of milk and establishing a program under which the additional deduction would be refunded were published in the **Federal Register** on December 17, 1982 (47 FR 56500). Final regulations establishing these procedures were published in the **Federal Register** on August 1, 1983.

A notice proposing to establish the price support level at $13.10 per hundredweight for manufacturing grade milk of national average milkfat content, 3.67 percent, for the 1983–84 milk marketing year and proposing that deductions totaling $1.00 per hundredweight be made from the proceeds of sale of all milk marketed commercially by producers during the period August 1, 1983, through September 30, 1983, and for the period October 1, 1983, through September 30, 1984 was published on May 31, 1983 (48 FR 24085).

Price Support Program

The price of milk is supported by CCC through purchases of butter, cheese and nonfat dry milk at prices calculated to enable plant operators to pay dairy farmers, on average, a price equal to the support level. The effectiveness of the program depends on competition by manufacturers for available supplies of milk so that the average price received by farmers will equal the announced support price. At times of significant price support purchases, the purchase prices for these products tend to become the floor for the market prices of such products. Since most of the fluid milk prices are based on prices paid for manufacturing milk, the price support program undergirds all milk and dairy product prices.

Response to Public Comments

In making this determination, all comments bearing on the determination have been considered. USDA received 417 responses to the May 31, 1983 notice of proposed determination. Three of the respondents requested that comments which they had previously submitted be considered. Of the 417 respondents, 330 were producers. The balance of the comments consisted of 27 consumers, 16 cooperatives, 6 proprietary dairy businesses, 6 farm organizations, 5 State or local governments, 2 farm businesses, 1 financial institution, 1 member of Congress, 5 producer handlers and 18 others which could not be definitely identified as to interest. In addition, 2 petitions with 59 signatures were received.

Many respondents suggested alternatives to the deduction program which were not feasible because they are contrary to present statutory authority or are otherwise beyond the capacity of the Secretary to implement. These suggestions included: lowering the support price; eliminating price support; installing a free market program; instituting a promotion plan, voluntary incentive plan, paid diversion plan, or compliance plan; beginning a base plan or quota; applying deductions selectively; culling cows; changing milk solids standards; or varying the amount of the deduction in accordance with milkfat content.

Several respondents suggested reducing imports, increasing exports, and increasing donations. Imports are already controlled through a quota system and annually average less than 2 percent of domestic milk production. Based on many comments received there is a great amount of misinformation regarding imports. The U.S. Government does not import dairy products. Private businesses import products. Also, the CCC does not purchase imported dairy products. Exports of U.S. dairy products are limited because the domestic support price has resulted in a price for U.S. dairy products well above the world market. Government donations of dairy products must be tightly controlled or the donations interfere with domestic commercial sales. CCC must then purchase the product and, thus, simply rotate its dairy inventory.

Some respondents suggested revision to the refund system. That was not an issue in this notice of proposed determination. An earlier comment period was conducted on that issue.

Several respondents commented on the impact of the Government Payment-In-Kind (PIK) Grain Program on dairy farmer costs. The Department has considered this impact as described in the Final Regulatory Impact Analysis. The *Milk Production* report by the Crop Reporting Board, SRS, USDA, released on July 18, 1983, included the PIK impact in the reported value per 100 pounds of concentrate ration fed to milk cows and that value on July 1, 1983, was $7.81. This was an increase of 19 cents from a year earlier, but it was 36 cents below the $8.17 of July 1, 1981. The impact of the PIK Program on feed costs is small and has been included in USDA's analysis of the impact of this determination.

A few respondents suggested a cut back in FmHA loans or other government credit for dairy farmers. USDA has attempted to place Government credit on a more credit worthy basis. In determining whether to grant FmHA credit, the type of farming operation is one of the factors that is considered.

One respondent indicated that the inventory value of CCC-owned products was not considered in arriving at government cost estimates. Sales and receipts of any value received in the disposition of CCC dairy stocks have been included in the analysis of the alternative options available to the agency and have been used to reduce cost estimates. However, with the magnitude of surplus on hand, value credited to CCC inventory when given away is zero and value if suddenly forced onto the market is sharply reduced.

Although the large majority of all comments received by the Department opposed any deduction, no practical alternative is available at this time for addressing the problem of excessive milk production and milk price support program costs. Failure to implement any deduction would result in a continuation of the present situation in which milk production and price support program costs continue to increase at unacceptable rates.

Some comments stated that the support price should be increased so that they can stay in business and others stated that the present support price ($13.10 per hundredweight) is sufficient. Still others favored an unspecified reduction in the support price. As stated in the Impact statement, the milk price support program is national in application, and at any level of price support, some farmers make a profit and some do not, due to widely varying producer cost structures. The price support program is not intended to assure a profit for all who might wish to engage in dairy farming.

There were comments recommending an increase in the manufacturing margin or make allowance used in computing the purchase prices for butter, cheese and nonfat dry milk. This determination does not set the manufacturing margin. That will be considered in a subsequent announcement.

Some comments requested an extension of the comment period or a public hearing. Because the program has been the subject of widespread discussion for several months, it is believed that all of the relevant issues have been raised and that a longer comment period or public hearings would not add to the discussion but would only serve to lengthen the process.

Some comments questioned USDA's statement on the Regulatory Flexibility Analysis. Since a Regulatory Flexibility Analysis has been prepared, USDA's position that the Act does not apply is not of importance to this determination.

Some comments recommended that instead of requiring an 11.4 percent reduction in milk marketings for August and September of 1983 and an 8.4 percent reduction for the 1983–84 marketing year, that the same percentage reduction be required for the whole time period. USDA agreed to this suggestion and set the same reduction percentage requirement (8.4 percent) for the full period, September 1, 1983, through September 30, 1984.

There were comments to the effect that the program would force so many dairy farms out of business that there would not be enough milk production capacity left in this country to maintain sufficient milk producing capacity. Projections included in the impact statement indicate that milk production in 1983–84 will be one billion pounds less than in 1982–83 and that CCC price support purchases will be about 11.6 billion pounds, milk equivalent, well above desirable levels.

There were comments on the increased administrative burden in terms of required record keeping and audits for both farmers and responsible persons. It was recommended that the affected parties should be reimbursed for their required activities. Since this program does not require generation of new data, and since the data is already in the hands of responsible persons or producers, the added administrative costs will be negligible.

There were comments about the effect of the assessment program on the price of beef. The number of dairy cows has been increasing, resulting in increased meat supplies. None of the recommendations for increasing demand are feasible to the extent necessary to adequately reduce surplus. Surplus must be reduced. Failure to do so now will only delay the effect on the meat industry. An adjustment is needed, and the longer it is delayed, the more adjustment will be necessary. While any increased dairy cow slaughter resulting from this program could adversely affect beef prices in 1983, the longer run impact—beginning in 1984—would be lower dairy beef supplies.

Comments claimed that the reason that CCC stocks of dairy products are so high is that the support program allows the industry to depend upon USDA to store its products. The CCC policy has been to offer dairy products acquired under the price support program for sale for unrestricted use at 10 percent above the current price support purchase price or the market price, whichever is higher. Less than 8 milliion pounds of cheese have been sold back to the industry since October 1, 1982, compared with price support purchases of 380 million pounds of butter, 670 million pounds of cheese and 850 million pounds of nonfat dry milk. The statistics refute the allegation. In the past, the dairy industry would store dairy products during the period of high production and sell these products during the period of low milk production when current production was not high enough to meet current needs. In recent years, milk production has been well above any current commercial needs, even during the period of lowest production. With this shift, commercial holdings of dairy products are at near record lows and CCC stocks of dairy products are at historical highs.

Many comments requested the exclusion of various groups of milk producers from the deduction program, including: small producers, producer-handlers, Class I milk producers, and almost every region in the country. The milk price support program is a national program and every milk producer benefits from it. The Regulatory Impact Analysis discusses this aspect more fully. Section 201(d) of the 1949 Act does not grant USDA flexibility to consider exempting any part of commercial milk sales.

Coupled with the specific comments, were several other reasons for the opposition to the deduction program.

Many comments said that the deductions would not solve the problem of overproduction of milk, and that the deductions would, in fact, lead to greater milk production. About 10 percent of the producers who commented said that they would increase the number of cows they are milking in order to cover the increased cost of the deduction program. About twice that number said that they believed that the industry, as a whole, would react to the deduction program by increasing milk production. However, USDA's analysis indicates that the deduction program will result in less milk production in 1983–84, which is in keeping with the large body of economic theory to the effect that when an industry or enterprise is less profitable, less will be produced.

Other comments opposed the deduction program because some creditors require either a minimum level of milk marketings or increased marketings. The program is national in scope and cannot be altered to take into account individual farm financial arrangements. Creditors are not likely to require an increase in production which will not return a corresponding increase in profit.

Other comments claimed that so many farmers will be forced out of business that the milk producing capacity of this country will be impaired. There are many reasons for a farmer to go out of business other than bankruptcy, including retirement, and ill health. The analysis contained in the Regulatory Impact Analysis indicates that while milk production will decrease in 1983–84 as a result of the deduction program, milk production will still be well above commercial use requirements.

There were several comments stating that there is little incentive for farmers to participate in the refund program, that the required reduction should be set at a level lower than the maximum allowed by statute, that refunds should be made proportionally to the reduction in marketings, i.e., do not require the maximum reduction to get the refund, and that the second 50-cent deduction should be phased in gradually. An AMS study indicates that while total milk production has increased since the base period, individually some farmers have increased more than others and some have actually decreased their production. Thus, some farmers will be able to take advantage of the program and receive a windfall with no effort on their part. To lower the requirements for obtaining a refund would merely widen the number of persons who can qualify for a windfall refund while actual milk production will not be decreased. This study is available from Dairy Division, AMS, and will be a part of this administrative record.

There was a comment that consumers are the primary beneficiaries of the program. While this is not inconsistent with the purpose of "providing adequate supplies of pure and wholesome milk" farmers are benefitting from the fact that the more than 10 percent surplus produced by farmers is being purchased under the price support program. Without the support program, prices would be much lower at present production levels, farmers would receive less and consumers would benefit more. The deduction program will benefit taxpayers by reducing the outlays on the milk price support program. Farmers will continue to benefit through the support of milk prices.

There were comments that the deductions should be placed on imported dairy products. It is not appropriate to place deductions on imported dairy products since the program is designed to impact on domestic milk production in order to bring it more into balance with

consumption. Imports are already strictly controlled through restrictive annual quotas and the prices are subject to countervailing duty provisions.

There were comments that August 1 was not an appropriate date to begin collecting the second 50-cent deduction because there was not enough time to put the program in place. The second deduction is effective on September 1 for this reason.

There were comments that there was no analysis of a bad weather scenario. It is assumed that adverse weather conditions will occur in one region or another but not over the entire country. Therefore, the normal range of statistical error as discussed in the Final Regulatory Impact statement will be applicable. Bad weather estimates are further complicated by the fact that in drought conditions where pastures become dried out and useless, farmers tend to use more feed concentrates. This occurred in Wisconsin, the State which produces the most milk, and resulted in a substantial increase in milk production. In any event, if any condition develops which reduces expected surpluses below the triggering levels set by statute, the deductions must be removed.

There were comments that the effects of the deduction program would impact more heavily on small farms, family farms, young farmers and new farms, as well as comments that the impact on these categories would be heaviest because their cash flow would be restricted excessively. The impact will be heaviest on those farms that have the heaviest debt load, but not necessarily on farms in the above categories. There are farms in each category that are in a strong financial condition and can handle a restriction in their cash flow, just as there are large farms and corporate farms that are carrying heavy debt loads and are in a more precarious position financially. Statistical evidence does exist that the average number of cows per farm is increasing both in total and in the various size groupings of dairy farms. The more efficient producers in all categories will be able to withstand the deductions more easily.

Several respondents suggested that a regional or individual producer analysis be conducted by USDA. Some suggested that such an analysis should focus on the principal milk producing States, while others suggested that the focus should be on the so called "deficit production States." However, the price support program operates on a national basis. Milk flows across geographical and political boundaries. If milk prices get out of alignment, milk will flow to the market of greatest return. Dairy product manufacturing plants tend to be located near the areas of greatest milk production. Thus, at any given time, surplus milk from any area tends to move to areas or regions with the manufacturing capacity. Many respondents submitted an analysis for a specific region or State. However, these studies were not compatible and therefore could not be grouped into an overall analysis. Individual analyses would require having total financial records on each and every milk producer in this country. One commentor supplied USDA with individual production records on some 23,000 of its member producers. Even that data did not include cost data for those producers so that it was not possible to conduct the type of analysis requested. It would be impossible to operate a price support program if USDA first had to analyze all or even a representative sample of such producer records. Even if it were possible to conduct these analyses, the Department would have to aggregate up to the national level since the price support program specified by Congress ($13.10 per hundredweight of milk) is a national program. Operation of such a program would still not benefit all producers equally since their cost structures vary greatly. The USDA therefore, rejected the suggested region, State or individual analyses and analyzed the national picture directly. Those comments that suggested regional application of the deduction program are answered by section 201(d) of the 1949 Act requiring that any deduction be taken from all sales of milk marketed commercially.

There were comments on the adverse effect of the deductions on other segments of the rural economy and the "multiplier effect" of the lost dairy farm income. The milk price support program provides the benefits of prices $3.00 to $5.00 per hundred weight above market prices expected at the current level of surplus production—benefits provided at a cost of more than $2 billion annually to taxpayers. While the extent of indirect impacts are unclear, it is suggested that the excess resources now producing surplus dairy products could produce greater overall social benefits if directed elsewhere. The same amount of tax money could be directed to other Government programs, or if not needed for Government uses, could be spent in the private sector. There is no reason to believe that the resources would not be redirected. But, Congress, in passing this legislation has decided that the loss of dairy farm income and its effect on local communities and businesses is far outweighed by the need to reduce the amount of taxpayers' money spent supporting surplus milk production.

Several respondents suggested that a net income analysis should be conducted by the USDA on the effect of these determinations on individual producers, or on producers located in specific regions. Just as a regional or individual analysis was not deemed necessary or appropriate, neither is a net income analysis. The support program operates on a gross income basis at $13.10 per hundredweight without regard to cost variation of individual producers. Costs and therefore net income vary widely among producers depending on such things as cash flow, taxes, interest, size of family, depreciation, other farm and non-farm income, leverage position and overall financial conditions. The program was not intended to guarantee each and every dairy farmer a profit. Economic theory indicates that to guarantee each producer or potential producer a profit will encourage producers to more than adequately supply this country with milk. If supply and demand are brought back into balance, the market price will return to farmers the necessary income, on the average (gross and net), to provide a fair return for efficient dairy farmers.

Discussion

It is estimated that even with deductions totaling $1.00, net price support purchases by the CCC of milk and the products of milk will exceed 7.5 billion pounds milk equivalent during both the 1982–83 and the 1983–84 marketing years. After consideration of the impact of the alternative programs as described herein and in the regulatory impact statement, it has been determined that the proposed actions be taken to slow the rate of increase in milk production, bring milk production into balance with commercial consumption, and reduce the cost of the dairy price support program.

In determining whether or not to implement a deduction program, and, if so, whether the deduction should be $1.00 or 50 cents, USDA first looked to the provisions of the applicable statute, section 201(d) of the 1949 Act as added by the Omnibus Budget Reconciliation Act of 1982. That section provides that notwithstanding any other provision of law, the minimum price support level for milk will be $13.10 hundredweight. In addition, the section provides, again notwithstanding any other provision of law, authority for the Secretary to impose two 50-cent deductions. Congress itself has made the basic policy choice concerning the wisdom of

the deduction program based on the enormous overproduction of milk which has existed in recent years and the desire to reduce the cost to the taxpayers of the milk price support program. Congress has delegated to USDA the authority to determine if the deductions should be implemented in order to attempt to achieve these results, or whether because of the state of the milk industry and future declining milk production, the deduction program is not needed at a particular moment. The Secretary does not believe that he must consider any factors except those contained in section 201(d) of the 1949 Act, however, in making this decision. USDA did bear in mind the basic purposes of the milk price support program set out in section 201(c) of the 1949 Act and the Congressional policy with respect to dairy products at 7 U.S.C. 1446b and that the deduction program should not undermine the achievement of these general goals.

However, without the deductions, surplus milk products purchases by the Department are expected to be more than double the congressionally set trigger level of 7.5 billion pounds. Under these circumstances, implementation of the deduction program as a temporary means of dealing with runaway milk overproduction and costs is plainly consistent with the Congressional purposes behind section 201(d) of the 1949 Act. The Department is aware of no reason why this temporary adjustment of the milk price support program designed to meet an emergency situation will in any way undermine the basic purposes of the price support program. In that sense, besides looking at section 201(d), the Department has also given consideration to section 201(c) and 7 U.S.C. 1446b.

Interested parties have contended that despite the introductory language in section 201(d) ("notwithstanding any other provision of law"), the Secretary is mandated to consider fully the factors set out in section 201(c) and 7 U.S.C. 1446b. The Department has reviewed the determination made here on the argumentative assumption that the factors contained in those sections do not merely provide guidance but are binding on this determination. Based on that review, the Department has concluded that even if that assumption were correct, no different result would be warranted.

Section 201(c) provides that the Secretary shall set the price support level for milk at a rate that will "assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the costs of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs." The projected levels of surplus do assure that an adequate supply of pure and wholesome milk will be available to meet current and projected needs. A $1.00 deduction program is consistent with these factors. Overproduction of milk has reached such a high level that the Government is expected to purchase 16.1 billion pounds of surplus milk in fiscal year 1983, even though for part of that year a 50-cent deduction has been in effect. The authority to impose a $1.00 deduction lapses if price support purchases of *surplus* milk products fall under 7.5 billion pounds. Thus, the current situation and the limits of USDA's authority under the statute ensure that there will be a more than adequate supply of milk and that conditions in the milk industry as a whole will result in adequate farm income to maintain production capacity. In addition, costs of production were lower in 1982 than in 1981, when production increased significantly, and while increases have occurred in 1983 and are expected to continue in 1984, such changes have not been at significant levels. There is no reason to believe that any expected changes in these costs will threaten the ability of the industry to produce more than enough milk to meet commercial demand. Section 201(d) including the decision by Congress to make provisions for the two 50-cent deductions clearly indicates that the relationship between production incentives and production conditions have become skewed such that the industry has been encouraged to produce enormous surpluses. The deduction authority and the reduction of the minimum price support level provided by Congress were themselves intended to help restore that balance.

7 U.S.C. 1446b sets out the general policy of Congress with respect to dairy products. Again, Congress has planned the deduction program so that these policies are met. Stable production is one of those policies. Current production is far too high and the deduction program is designed to lower production so that it is more in line with commercial demand. The next policy set forth in 7 U.S.C. 1446b is to promote increased use of dairy products. The deduction program will in no way hinder the efforts already being made by the Government in this area. The third policy is to encourage dairy farmers to develop efficient production units. As described in the impact analysis, production efficiency in the milk industry is increasing as indicated by increases in the amount of milk produced per cow in recent years. The deduction program will further encourage this trend because it has the least impact on dairy producers who function efficiently and thereby lower their production expenses. Finally, the price support program is intended to stabilize the dairy farmer economy at a level that will provide a fair return to the producers. At present, the dairy farmer economy is out of balance because so much surplus milk is being wastefully produced for sale to CCC rather than for the commercial market. The deduction program is intended to begin to remedy this problem by cutting overproduction. If production is kept more in line with commercial demand, the dairy price support program can work as it is supposed to, and dairy farmer income can be stabilized. It is expected that the deduction program will help reduce overproduction and set the milk industry back on a course that will provide the industry as a whole with a fair return on investment. It was obviously not the intent of Congress to guarantee a profit to every individual who decides to enter the dairy business. Rather, once the problem of overproduction is solved, the price support level for milk can be set so as to provide a fair return for efficient dairy farmers. Thus, the deduction program is itself part of the overall effort to meet the goals of 7 U.S.C. 1446b for the milk industry as a whole.

Paperwork Reduction Act Requirements

The information collection requirements for implementation of this notice have been approved by the Office of Management and Budget under OMB Number 0581–0132 and OMB Number 0560–0114 pursuant to the requirements of the Paperwork Reduction Act.

List of Subjects in 7 CFR Part 1430

Milk, Agriculture, Price support programs, Dairy products.

Final Determinations

The price support level shall be established at $13.10 per hundredweight for manufacturing grade milk of national average milk fat content (3.67 percent) for the 1983–84 milk marketing year. Deductions totaling $1.00 per hundredweight shall be made from the proceeds of sale of all milk marketed commercially by producers during the period September 1, 1983, through September 30, 1983, and for the period October 1, 1983, through September 30, 1984. The deductions shall be remitted to the Commodity Credit Corporation to

offset a portion of the cost of the milk price support program. Refunds of 50 cents per hundredweight shall be made to producers who reduce their commercial marketings by 8.4 percent during September 1983 and by 8.4 percent during the period from October 1, 1983, through September 1984, from marketings during the base period. The collection of the deductions and the making of the refunds shall be conducted in accordance with the final rule published in the **Federal Register** on August 1, 1983.

(Sec. 201 (c) and (d) of the Agricultural Act of 1949, as amended (7 U.S.C. 1446); and secs. 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (15 U.S.C. 714b and 714c))

Signed at Washington, D.C., July 29, 1983.

John R. Block,

Secretary of Agriculture.

Appendix to Determination

Final Regulatory Impact Analysis

Date: July 28, 1983.

Agency: USDA–Agricultural Stabilization and Conservation Service.

Contact: Charles N. Shaw, USDA–ASCS, P.O. Box 2415, Washington, D.C. 20013. Phone: (202) 447–7601.

I. *Title.* Support Program for Milk, 1982–83 and 1983–84 Marketing Years.

II. *Need for Action.* The Agricultural Act of 1949, as amended, requires that the price of milk to producers be supported at a level that will assure an adequate supply of milk, reflect changes in the cost of production, and assure a level of farm income to maintain productive capacity sufficient to meet future needs. The program recently, however, has become unbalanced so that costs of the program have far exceeded that necessary to accomplish the program objectives. There is a need articulated by Congress and the Administration to bring milk production into closer balance with commercial consumption, and to reduce the cost of the milk price support program. Milk production exceeds milk consumption in the United States by about 10 percent. The Commodity Credit Corporation (CCC) has been, and is expected to continue to be, purchasing about 10 percent of the annual milk production at a net purchase cost in excess of $2 billion per year.

III. *Options Considered.* A. The following program provisions and options were considered for the 1982–83 milk marketing year:

1. *Maintain the 50-Cent Per Hundredweight (Cwt.) Deduction Which Began April 16, 1983 (83–1).* The level of price support for the 1982–83 marketing year was established at $13.10 per cwt. for milk of national average fat content (3.67 percent). A 50-cent per cwt. deduction has been imposed for the period April 16, 1983, through September 30, 1983. During the period October 1, 1982, through September 30, 1985, the Secretary of Agriculture is authorized to require the deduction of 50 cents per cwt. from the proceeds of the sale of all milk marketed commercially by producers—as long as net price support purchases are estimated to equal or exceed 5 billion pounds milk equivalent during the year.

2. *Deduction of Additional 50 Cents Per Cwt. of Milk Marketed (83–2) (Selected).* In conjunction with the previously announced $13.10 per cwt. support price and the 50-cent per cwt. deduction on all milk marketed from April 16, 1983, through September 30, 1983, deduct an additional 50 cents per cwt. on all milk marketed from September 1, 1983, through September 30, 1983. During the period April 1, 1983, through September 30, 1985, the Secretary of Agriculture may provide for this additional deduction of 50 cents per cwt. from the proceeds of sale of all milk marketed commercially by producers if a program is established whereby the second 50-cent deduction will be refunded to producers who reduce their milk marketings by a specified amount. This deduction is authorized as long as net price support purchases are estimated to equal or exceed 7.5 billion pounds milk equivalent during the year.

B. Under current law, the following program provisions and options were considered for the 1983–84 milk marketing year:

1. *Established Support Price at 75 Percent of Parity—Currently Estimated at $15.23 Per Cwt.—With No Deductions Implemented (84–1).* Historically, and prior to legislative change, this was the minimum level of support authorized, and it is still the minimum level authorized under the permanent legislation.

2. *Establish Support Price at $13.10 Per Cwt., With No Deductions Implemented (84–2).* This is the minimum level of support currently authorized for the 1983–84 marketing year.

3. *Established Support Price at $13.10 Per Cwt., With 50-Cent Per Cwt. Deduction On All Milk Marketed Beginning October 1, 1983 (84–3).* This is the minimum level of support currently authorized for the 1983–84 marketing year. The deduction is authorized since net CCC price support purchases of dairy products are currently estimated to exceed 5 billion pounds milk equivalent during the year.

4. *Establish Support Price at $13.10 Per Cwt., With $1.00 Per Cwt. Deduction On All Milk Marketed Beginning October 1, 1983 (84–4) (Selected).* This is the minimum level of support currently authorized for the 1983–84 marketing year. The $1.00 per cwt. is the maximum deduction authorized. Net price support purchases of dairy products are currently estimated to exceed 7.5 billion pounds milk equivalent during the year. This deduction program will operate in conjunction with a program whereby the second 50-cent deduction will be refunded to producers who reduce their milk marketings by a specified amount.

IV. *Legislative Basis for Action.* Section 201(c) of the Agricultural Act of 1949 (the 1949 Act) provides that the price of milk shall be supported at a level not in excess of 90 percent nor less than 75 percent of parity as the Secretary determines necessary in order to assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs. Section 201(d) of the 1949 Act, as added by the Omnibus Budget Reconciliation Act of 1982, provides that notwithstanding any other provision of law, for the period beginning October 1, 1982, and ending September 30, 1984, the price of milk shall be supported at not less than $13.10 per cwt. for milk containing 3.67-percent milkfat.

Section 201(d) of the 1949 Act also authorizes the Secretary of Agriculture, during the period October 1, 1982, through September 30, 1985, to provide for a deduction of 50 cents per cwt. from the proceeds of the sale of all milk marketed commercially by producers. This deduction is to be remitted to CCC to offset a portion of the cost of the price support program. This authority does not apply for any fiscal year for which the Secretary estimates that the net price support purchases will be less than 5 billion pounds milk equivalent. If, at any time during a fiscal year, the Secretary estimates that the net price support purchases during that year will be less than 5 billion pounds, the authority for making deductions does not apply for the balance of the year.

Section 201(d) of the 1949 Act further authorizes the Secretary of Agriculture, during the period April 1, 1983, through September 30, 1985, to provide for an additional deduction of 50 cents per cwt. from the proceeds of the sale of all milk marketed commercially by producers if a program is established under which the second 50-cent deduction is refunded to producers who reduce their milk marketings by a specified amount. This authority does not apply to any fiscal year or portion of a fiscal year for which the Secretary estimates that price support purchases of dairy products will be less than 7.5 billion pounds milk equivalent during the fiscal year.

V. *Expected Impacts.* (Appendix Tables 1 and 2)

A. *Introduction.* 1. *Price Support Program.* The price of milk is supported by CCC through purchases of butter, cheese and nonfat dry milk at prices calculated to enable plant operators to pay dairy farmers, on average, a price equal to the support price. The effectiveness of the program depends on competition by manufacturers for available supplies of milk so that the average price received by farmers will equal the announced support price. At times of significant price support purchases, the CCC purchase prices for these products tend to become the floor for the market prices of such products. While this floor on products has been maintained, the average manufacturing grade milk price received by farmers has been below the announced support price as excessive supplies have prevailed in the market place. Since most of the fluid milk prices are based on prices paid for manufacturing milk, the price support program undergirds all milk and dairy product prices.

The price support program operates on a national basis. Milk flows across geographical and political boundaries. If milk prices get out of alignment, milk will flow to the market of greatest return. Dairy product manufacturing plants tend to be located near

the areas of greatest milk production. Thus, at any given point in time, surplus milk from any area tends to move to areas or regions with the manufacturing capacity. The weekly editions of *Dairy Market News* published by AMS, USDA continually report this movement.

2. *Analytical Procedures and Background.* The Department of Agriculture (USDA), as a part of normal program operations, conducts ongoing analyses of supply, demand and price conditions and trends in the dairy industry. These analyses conducted by several USDA agencies, are based on data collected from multiple sources by the various agencies. These analyses are subsequently coordinated through the USDA Interagency Estimates Committee for Dairy. This committee, composed of senior analysts from 5 different agencies within the USDA, is charged with the responsibility for providing the official USDA estimates of supply, demand and price conditions for the dairy industry.

Results of USDA analyses are reported 4 times annually in the *Dairy Outlook and Situation.*

In conducting the USDA analyses the Committee routinely considers several factors influencing supply and demand for dairy products. Demand factors were last published in the March 1983 issue of *Dairy Outlook and Situation.* These factors include: U.S. population, civilian employment, per capita disposable income, commercial disappearance—both on a per capita and total basis, and retail price indexes. On the supply side, factors include milk cows on farms, milk cow replacements, milk production per cow, total milk production, average milk prices received by farmers, value per 100 pounds of dairy ration feed, milk-feed price relationships, milk cow replacement cost, grain and other concentrates fed to milk cows, dairy pasture feed conditions, hay prices and utility cow prices. These factors were last published in the December 1982 issue of *Dairy Outlook and Situation.* The USDA also considers milk-concentrate relationships as reported in the June 1983 issue of *Dairy Outlook and Situation.* These include the price of all milk sold to plants, ration value, cost of concentrate feed, milk-feed differences and returns over concentrate costs. These relationships also utilize the most recent estimates of feed prices. Historical data on many of these variables are contained in Appendix Table 3. The economic variables analyzed herein were derived from these sources unless otherwise noted.

Milk-feed relationships and returns over concentrate costs are used as measures of dairy farming well being. They are readily available on a timely basis. In addition, feed costs account for about half of total production costs. Feed cost projections are reported in the *World Agricultural Supply and Demand Estimates*, published periodically by the World Agricultural Outlook Board, USDA. These estimates take into account impacts resulting from the Payment-In-Kind (PIK) and other departmental programs. Concentrate costs have increased from 1982 levels during the first half of 1983, but they are still well below the costs of 1981. The milk-feed price ratio during the first half of 1983 has been about the same as in 1982 but more favorable to dairy farmers than in 1981.

The best measure of farmer well being, however, is reflected in production. A large body of economic literature suggests that when an enterprise is profitable, sustained production increases are likely to result. It is true in the short-run that production may increase to offset higher costs, but if such production is unprofitable or only marginally profitable, such production increase will not be sustained. June marked the 50th consecutive month that milk production had exceeded year-earlier levels. Thus, the current expansion period has continued for over 4 years—and still continues—which strongly indicates that milk production is a relatively profitable enterprise.

Purchases of dairy products by the CCC is another valid measure of supply-demand balance. These data are available on a weekly basis and provide a final consistency check which is used in conducting the analyses. When prices are artificially set above market-clearing levels, the quantity produced will exceed the quantity consumed. The difference between the two quantities will be absorbed by the CCC through the purchase program for dairy products. Even with the $1.00 deduction in place beginning September 1, 1983, and continuing through September 30, 1984, CCC purchases in both fiscal years 1983 and 1984 are estimated to far exceed 7.5 billion pounds milk equivalent—the level at which Congress authorized the Secretary of Agriculture to impose the full $1.00 per cwt. deduction.

With the ongoing USDA analyses, a baseline forecast is maintained. Policy options and alternatives are analyzed and measured against this baseline. Milk price changes projected to result from a policy option under consideration are reflected through the supply-demand sectors by use of a supply response factor of 0.15 and a demand response factor of −0.3. This provides an estimated percentage change in quantity for a 1-percent change in price. These factors have been used by USDA in previous studies—most notably in *The Impact of Dairy Imports on the U.S. Dairy Industry*, AER NO. 278, Economic Research Service, USDA, January 1975.

Section 201(d) of the 1949 Act recognizes the fact that dairy supply and demand are out of balance because the Federal price support program has encouraged overproduction and retarded growth in consumption.

Appendix Table 3 presents data that illustrates the imbalance in the dairy industry. Throughout the early 1970's the number of dairy farms declined, as did the number of farms in general. Cow numbers also declined as the efficiency (production per cow) improved. The net effect was relative stability in dairy production. However, the Food and Agriculture Act of 1977 mandated a significant increase in the Federal support price for dairy, including a semiannual support price adjustment. This motivated dairy producers to increase production from 122.5 billion pounds 1978/79 to 135.0 billion pounds in 1981/82, to a projected 136.5 billion in 1982/83. This production increase resulted not only from increased productivity per cow, but also, from an increase in cow numbers. At the same time, consumption increased at a much slower pace, basically in line with population growth, but retarded somewhat by the higher prices. As a result, CCC purchases increased from 1.1 billion pounds milk equivalent in 1978/79 to 13.8 billion pounds milk equivalent in 1981/82, to a projected 16.1 billion in 1982/83. Uncommitted CCC inventories at the end of 1981/82 were 16.5 billion pounds milk equivalent.

For the 1980–81 marketing year, the support price for manufacturing milk was announced at $13.10 per cwt., effective October 1, 1980. This was 80 percent of parity. The first step was taken toward bringing supplies back into line with consumption when legislation enacted on March 31, 1981, rescinded the scheduled April 1, 1981, adjustment which was intended to reflect changes in the parity index in the previous 6 months. Therefore, the support price for the entire 1980–81 marketing year was $13.10 per cwt.

The provisions of the 1949 Act, as amended by the Omnibus Budget Reconciliation Act of 1981, required the Secretary of Agriculture to set the support level for milk at 75 percent of parity which was $13.49 per cwt. on October 1, 1981, the beginning of the 1981–82 marketing year. Special legislation returned the support price to $13.10 per cwt. on October 20, 1981, and the Agriculture and Food Act of 1981 made it permanent for the 1981–82 marketing year. Provisions of the 1949 Act, as amended by the Omnibus Budget Reconciliation Act of 1982, set the minimum support price at $13.10 per cwt. for the 1982–83 and 1983–84 marketing years. Despite these actions, the USDA projects that production will continue to significantly exceed consumption.

3. *Current Domestic Situation/Outlook.* Milk production has continued to exceed year-earlier levels. April–June 1983 milk production was up 2 percent from a year earlier as a result of 0.6 percent (64,000) more cows and 1.5-percent (48 pounds) gain in output per cow. Even with the 50-cent per cwt. deduction in place which began April 16, 1983, and implementation of the additional 50-cent per cwt. deduction beginning September 1, 1983, cow numbers will average at least 30,000 above the previous year, indicating that, in general, dairy farmers are still receiving positive market signals.

Feed supplies remain plentiful even with the large acreage sign-up for the PIK Program. Prices for concentrate feeds have increased in recent months, due in large measure to heavy placements of 1982 crop grain in the Farmer-Owned Reserve. Feed price projections rose with the PIK sign-up but subsequently declined as estimated planted acreage increased. The rising grain prices are increasing milk production costs, which are projected to continue above year-earlier levels at least into 1984. However, some narrowing of the feed manufacturing margins have kept dairy feed prices from rising as fast as grain prices in recent months.

Strong gains in output per cow are likely to continue. With plentiful feed supplies, relatively high rates of concentrate feeding

are projected to continue. Also, culling the least productive cows will help boost the average output per cow. For the year, a 2.3-percent increase in output per cow (about the average) is forecast, with total production currently forecast at 138.5 billion pounds—up from 135 billion in 1981–82.

Commercial use of dairy products has been weaker than earlier projected. With the relatively small increases in retail dairy product prices, a stronger gain in use was forecast. To date, commercial disappearance of most dairy products is trailing year-earlier levels. Most notable is the drop in American cheese. Contributing to the weak commercial disappearance have been continued high levels of unemployment, slow economic recovery, and possible interference with commercial sales by domestic dairy product donations. The forecast of commercial use of all dairy products in 1982/83 is 122.5 billion pounds, only 0.5 billion pounds above the 1981–82 level.

With higher projected milk production and little change in commercial use, estimated CCC net removals are 16.1 billion pounds milk equivalent for 1982–83, an increase of 2.3 billion pounds above 1981/82.

In 1983–84, the support price will remain at $13.10. With a $1.00 per cwt. deduction from all milk marketed in effect for the entire year, lower producer returns are projected to result in a return to the long-term trend of reduction in cow numbers. The sharpest reductions would probably occur early in the marketing year. For all of 1983–84, cow numbers are estimated to average about 295,000 below the 1982–83 level. Output per cow will continue to rise, but at a slower rate than in 1982/83, and partially offset the drop in cow numbers. For the year, milk production is projected to total about 137.5 billion pounds, indicating that the incentive to producers will be reduced sufficiently to decrease production for the first time in 5 years.

Retail dairy product prices will continue to show very modest increases in 1983–84. With a stronger economy, commercial use should strengthen. Commercial use for 1983–84 is currently projected at 125.4 billion pounds.

With the cut in milk production and recovery in commercial use, CCC net removals for 1983–84 are projected to be 11.6 billion pounds, down by 4.5 billion pounds from 1982/83.

B. *Direct Impacts (Supply-Demand-Price-Income Impacts).* Projections of production, commercial use, CCC purchases, effective farm prices and farm cash receipts are shown in Table 1 and Table 2.

These tables reflect the most likely 1982–83 and 1983–84 supply, demand and price estimates. There is a range around these estimates of ± 1 percent of milk production and of consumption.

TABLE 1.—SUPPLY, USE, AND SURPLUS PROJECTIONS, 1982–83 AND 1983–84

[In billions of pounds]

Option/marketing year	Production	Commercial use	CCC purchases
1980–81	132.0	120.1	12.7
1981–82	135.0	122.0	13.8
1982–83 Options:			
83–1 ($13.10; $0.50 deduction)	138.7	122.5	16.3
83–2 ($13.10; 2nd $0.50 deduction) (Selected)	138.5	122.5	16.1
1983–84 Options:			
84–1 (75 percent of parity)	141.9	123.0	18.4
84–2 ($13.10; no deduction)	139.1	125.4	13.2
84–3 ($13.10; $0.50 deduction)	138.3	125.4	12.4
84–4 ($13.10; $1.00 deduction) (Selected)	137.5	125.4	11.6

TABLE 2.—ESTIMATED FARM PRICE AND INCOME, 1982–83 AND 1983–84

Option/marketing year	Effective price (per hundred weight) [1]	Farm cash receipts (millions)
1980–81	$13.74	$17,950
1981–82	13.58	18,150
1982–83 Options:		
83–1 ($13.10; $0.50 deduction)	13.36	[2]18,370
83–2 ($13.10; 2nd $0.50 deduction) (Selected)	13.30	[2]18,270
1983–84 Options:		
84–1 (75 percent of parity)	15.50	21,810
84–2 ($13.10; no deduction)	13.78	19,020
84–3 ($13.10; $0.50 deduction)	13.28	[2]18,220
84–4 ($13.10; $1.00 deduction) (Selected)	12.78	[2]17,440

[1] Average price received by farmers for all milk (at the plant) after adjustment for 50-cent or $1.00 per cwt. deductions, respectively.

[2] Adjusted to reflect 50-cent and $1.00 per cwt. deductions, respectively.

Milk production continues to increase and is projected to be 138.5 billion pounds for the 1982–83 marketing year, based on the support price of $13.10 per cwt., a 50-cent per cwt. deduction for the last 5 and one-half months of the year, and an additional 50-cent per cwt. deduction during September (Selected Option 83–2). This represents a projected increase in production of 3.5 billion pounds over the 1981–82 marketing year. Even though feed prices have increased, the milk-feed price relationships (Appendix Table 3) are expected to remain favorable and to result in increased milk production. Commercial comsumption is projected to increase only 0.5 billion pounds to 122.5 billion pounds, partly because of the possible interference with commercial sales by domestic donations of CCC-owned dairy products. Net CCC removals of dairy products are projected to be 16.1 billion pounds, an increase of 2.3 billion pounds from the 1981–82 level.

Implementation of only the first 50-cent per cwt. deduction on April 16, 1983 (Option 83–1), would have resulted in a projected milk production level of 138.7 billion pounds, commercial consumption at 122.5 billion pounds, and net CCC removals of dairy products at 16.3 billion pounds of milk equivalent.

Several options were examined for the 1983–84 marketing year. A support price at $13.10 per cwt. was compared with a support price established at 75 percent of parity. In addition, the deduction programs in conjunction with a $13.10 support level were examined on the basis of: (1) No deduction, (2) a 50-cent per cwt. deduction and (3) a $1.00 per cwt. deduction.

With a support price of $13.10 per cwt. without any deductions (Option 84–2), milk production is projected to be 139.1 billion pounds slightly above 1982/83 levels. Commercial consumption is projected to be 125.4 billion pounds and net CCC price support purchases of dairy products are projected to total 13.2 billion pounds of milk equivalent, compared with 16.1 billion pounds in 1982/83. This lower level of CCC purchases indicates a move toward a more balanced dairy market, i.e., bringing supply into line with demand, but purchases remain at high levels.

A support price of 75 percent of parity (currently estimated at $15.23 per cwt.) would increase returns to farmers and would therefore result in even greater milk production (Option 84–1), projected to be 141.9 billion pounds, with commercial consumption projected to be 123.0 billion pounds—2.4 billion pounds less than with support at $13.10—and CCC purchases projected to total 18.4 billion pounds of milk equivalent. Such a program would continue to encourage oversupply, as evidenced by the increased production and CCC purchases compared with the 1982/83 levels.

With a support price of $13.10, a 50-cent deduction (Option 84–3) would result in milk production at 138.3 billion pounds, 800 million pounds less than without the deduction. Commercial use would be 125.4 billion pounds—the same as with no deduction because the deduction would not be passed to the consumer in the form of lower prices. CCC purchases are projected to total 12.4 billion pounds milk equivalent. Under this option, production would fall slightly from 1982/83 levels, demonstrating that the effective price to producers would no longer encourage expansion in the industry as a whole. However, CCC purchases would remain near historically high levels (9 percent of production).

With a support price of $13.10, a $1.00 deduction (Selected Option 84–4) will result in milk production at 137.5 billion pounds, 1.6 billion pounds less than without any deduction, and 1.0 billion pounds below 1982/83. Commercial use will be the same and CCC purchases are projected to total 11.6 billion pounds milk equivalent. This option will be the most effective in aligning production and consumption, as evidenced by the 4.5 billion pound decline in CCC purchases from 1982/83.

With a support price higher than $13.10 and below 75 percent of parity ($15.23), each 50-cent per cwt. incremental deduction is estimated to reduce milk production and CCC price support purchases by about 0.7 billion to 0.8 billion pounds milk equivalent from the level which would occur at that respective price support level in the absence of the deduction (Appendix Table 2). Commercial use would decline if the support price were increased, and CCC purchases would

increase as result of the lower commercial use. Per unit CCC purchase costs would also increase with a respective increase in the support price level.

The implementation of the deductions will principally affect farm income in the areas of greatest milk production. More than 60 percent of the nation's milk production is concentrated in eight States: Wisconsin, California, New York, Minnesota, Pennsylvania, Michigan, Ohio and Iowa. However, every milk producer in the United States who markets milk commercially will be affected by the program. The 50-cent deduction represents less than 4 percent of producer gross income from milk. The $1.00 deduction represents less than 8 percent of producer gross income from milk. Those producers who comply with the reduction program will receive a refund of 50 cents per cwt. of the $1.00 per cwt. deduction.

The price support program operates on a national basis. Any given support price level analyzed will result in profits for some dairy operations and losses for others. Individual producer costs vary widely depending on organization and efficiency of the operation. While these differences exist, the price support program is not a suitable vehicle for trying to assure all dairy producers a profit, or to stabilize dairy farm numbers. Nor are program objectives geared to individual farmers or regional production. As shown clearly in Appendix Table 3, dairy farm numbers declined even in the most favorable historical years.

Under section 201(d) of the 1949 Act, a refund of 50 cents per cwt. must be made when a $1.00 per cwt. deduction is in effect if the producer reduces commercial marketings by a specified level from the producer's marketings during the base period. The regulations which have been approved provide for a base period of 24 months—October 1, 1980, through September 30, 1982. The maximum reduction in production which may be required of an individual producer under section 201(d) is the estimated surplus as a percent of the estimated total milk production. With a $1.00 per cwt. deduction to be implemented effective September 1, 1983, the estimated total milk production in 1982–83 will be 138.5 billion pounds and the estimated surplus (i.e., CCC net price support purchases) will be 16.1 billion pounds.

A reduction of 11.6 percent (16.1/138.5) is the calculated legal maximum which could be required during September 1983 on the basis of these estimates. With a $1.00 per cwt. deduction implemented effective October 1, 1983, the estimated total milk production for 1983–1984 will be 137.5 billion pounds and the estimated surplus will be 11.6 billion pounds. A reduction of 8.4 percent (11.6/137.5) is the calculated legal maximum which could be required during 1983–1984 on the basis of these estimates. In response to public comment, the required reduction has been set at 8.4 percent for the 13-month period of September 1, 1983, through September 30, 1984.

Some dairy farmers will go out of business under implementation of any of the options considered. A long-term trend, based on data reported annually by SRS-USDA, shows that the number of operations with milk cows has declined steadily, while the average number of cows per operation has increased each year (See Appendix Table 3). Assuming a continued increase in cows per operation and milk per cow in 1983–84, even with a support price established at 75 percent of parity, it is estimated that there would be some 10,000 fewer operations with milk cows than in 1982–1983. With a $13.10 per cwt. support level and no deductions implemented, an estimated 16,000 operations would cease to operate. This decline is about equal to the average annual decline from 1977 through 1982. Each 50-cent per cwt. incremental deduction is estimated to result in an additional 1,600 fewer operations with milk cows in 1983–1984. Thus, a full $1.00 deduction at a $13.10 support price will result in some 19,000 fewer operations than in 1982–1983. This decline is near the average annual decline of nearly 21,000 which occurred from 1973 through 1982, and well below the annual average decline of 28,000 which has occurred since 1970.

C. *Indirect Impacts.* Changes in dairy farm income can impact on the farm economy and the overall general economy. Farm cash receipts from dairying in 1982–83 are projected to exceed receipts in 1981–82. In 1983–84, farm cash receipts will be 4.5 percent lower than in 1982–83 under the selected option. See Appendix Table 2.

It is estimated that the milk price support program maintains market prices at $3.00 to $5.00 per cwt. above the level producers would receive if no support program were in effect—at a cost to taxpayers of in excess of $2 billion annually. This indicates that excessive resources are engaged in milk and dairy product production.

The extent of any indirect impacts are unclear, although basic economics would suggest resources being used in dairy could yield greater social return if used in some other productive activity. Tax money spent on the dairy price support program could be used to produce other goods or services; or these dollars might not be needed for Government activity and could be devoted to private sector investment with its beneficial employment and income effects. Moreover, while there could be short-term rigidities in adjusting resource use in dairying, there is no reason to believe that resources would not shift to other productive uses, providing employment and income benefits in the process.

D. *USDA and Other Outlays.* CCC outlays for marketing years 1982–83 and 1983–84 for various options are presented in Table 3.

TABLE 3.—ESTIMATED CCC OUTLAYS [1], 1982–83 AND 1983–84, VARIOUS OPTIONS

[In millions of dollars]

Item	1982–83 options		1983–84 options			
	83–1	83–2 (selected)	84–1	84–2	84–3	84–4 (selected)
Estimated CCC purchase cost	2,638	2,606	3,427	2,179	2,056	1,933
Net outlays [2]	2,680	2,648	3,571	2,323	2,200	2,076
Deductions	325	380			681	1,354
Net outlays [3]	2,355	2,268	3,571	2,323	1,519	722

[1] For explanation of CCC outlays, see special article entitled "Costs of the Dairy Price Support Program" *Dairy Outlook and Situation*, June 1981, P. 33–35, ERS, USDA.
[2] Before deductions from producers.
[3] After deductions from producers.

E. *Reasons for Selection of Options.* Annual milk production has increased sharply since the 1978–79 marketing year from 122.5 billion pounds to an estimated 138.5 billion pounds. Consumption of milk and its products, however, has not increased steadily but has fluctuated between 119 billion pounds and 122 billion pounds milk equivalent. The price of milk is supported by removing the surplus milk from the market through purchases of butter, cheese and nonfat dry milk. Consequently, CCC price support purchases have increased from 1.1 billion pounds in 1978–79 to an estimated 16.1 billion pounds this year, which ends September 30. Under the present and projected economic conditions, this situation is expected to continue, i.e., milk production will continue to increase, consumption will increase slightly or remain relatively flat, and CCC will continue to purchase and store the surplus at an increasing net cost to taxpayers that has ranged from $23 million in FY 79 to an estimated $2.3 billion in FY 83. CCC uncommitted inventories at the end of 1982/83 are projected to total 20.6 billion pounds milk equivalent.

Under these circumstances, and after consideration of the foregoing analyses, the Secretary of Agriculture has decided to exercise his discretionary power to implement the two 50-cent deductions from the proceeds of sale of all milk sold commercially. These deductions are expected to have the two effects of defraying part of the cost of the price support program, and exercising downward presure on milk production, first to slow the increase and later to turn it down. In addition, the 1983/84 support price will be established at the minimum level permitted by current law. Implementation of these selected options will more nearly meet the objectives of balancing supply with demand while assuring adequate supplies of milk and dairy products.

APPENDIX TABLE 1.—TO IMPACT ANALYSIS.—MILK PRODUCTION, UTILIZATION, AND CCC REMOVALS

Item	Unit	1980-81	1981-82 [1]	1982-83 [2]	1982-83 [3]	1982-83 [4]
Support level	Per hundredweight	$13.10	$13.10	$13.10	$13.10	$13.10
Percent of parity	Percent	80.0	72.9	69.1	69.1	69.1
Assessment	Per hundredweight	0	0	0	0/$0.50	0/$0.50/$1.00
Milk production	Billion pounds	132.0	135.0	139.1	138.7	138.5
Farm use	Billion pounds	2.3	2.3	2.2	2.2	2.2
Marketings	Billion pounds	129.7	132.7	136.9	136.5	136.3
Beginning commercial stocks	Billion pounds	6.1	5.3	4.6	4.6	4.6
Imports	Billion pounds	2.3	2.4	2.4	2.4	2.4
Commercial supply	Billion pounds	138.1	140.4	143.9	143.5	143.3
Commercial use	Billion pounds	120.1	122.0	122.5	122.5	122.5
Ending commercial stocks	Billion pounds	5.3	4.6	4.7	4.7	4.7
Total utilization	Billion pounds	125.4	126.6	127.2	127.2	127.2
CCC net removals	Billion pounds	12.7	13.8	16.7	16.3	16.1
Butter	Million pounds	356	362	420	410	405
Cheese	Million pounds	532	598	805	785	775
Nonfat dry milk	Million pounds	787	951	1,030	990	980
Evaporated milk	Million pounds	20	20	22	22	22
Estimated CCC purchase costs	Million	$1,991	$2,262	$2,717	$2,638	$2,606
Net outlays [5]	Million	$1,894	$2,162	$2,759	$2,660	$2,648
Industry assessment	Million			0	$325	$380
Net CCC outlays [6]	Million			$2,759	$2,355	$2,268
Number of cows	Thousand	10,690	11,010	11,090	11,055	11,040
Milk per cow	Pounds	12,117	12,261	12,545	12,545	12,545
Prices received by farmers:						
Manufacturing grade	Per hundredweight	$12.71	$12.67	$12.60	$12.60	$12.60
All milk sold to plants	Per hundredweight	13.74	13.58	13.60	13.60	13.60
Effective price [7]	Per hundredweight			13.60	13.36	13.30
Farm cash receipts	Million	17,950	18,150	18,760	*18,370	*18,270
Margin	Per hundredweight	12.96	13.72	14.10	14.10	14.10
Retail value	Per hundredweight	26.70	27.30	27.70	27.70	27.70
Retail cost	Million	32,070	33,330	33,930	33,930	33,930

[1] Preliminary.
[2] Estimated, $13.10 support, no deduction.
[3] Estimated, $13.10 support, Apr. 16, 1983, 50-cent deduction implemented.
[4] Estimated, $13.10 support, Apr. 16, 1983, initial deduction and Sept. 1, 1983, additional 50-cent deduction implemented.
[5] Before deductions from producers.
[6] After deductions from producers.
[7] Price received by farmers after 50-cent or $1 deduction.
[8] Receipts adjusted to reflect assessments.

APPENDIX TABLE 2.—TO IMPACT ANALYSIS. MILK PRODUCTION, UTILIZATION, AND CCC REMOVALS

Item	Unit	1982-83 [1]	1983-84 [2]	1983-84 [3]	1983-84 [4]	1983-84 [4]
Support level	Per hundredweight	$13.10	$15.23	$13.10	$13.10	$13.10
Percent of parity	Percent	69.1	75.0	64.5	64.5	64.5
Assesment	Per hundredweight	0/$0.50/$1.00	0	0	$.50	$1.00
Milk production	Billion pound	138.5	141.9	139.1	138.3	137.5
Farm use	Billion pound	2.2	2.1	2.1	2.1	2.1
Marketings	Billion pound	136.3	139.8	137.0	136.2	135.4
Beginning commercial stocks	Billion pound	4.6	4.7	4.7	4.7	4.7
Imports	Billion pound	2.4	2.4	2.4	2.4	2.4
Commercial supply	Billion pound	143.3	146.9	144.1	143.3	142.5
Commercial use	Billion pound	122.5	123.0	125.4	125.4	125.4
Ending commercial stocks	Billion pound	4.7	5.5	5.5	5.5	5.5
Total Utilization	Billion pound	127.2	128.5	130.9	130.9	130.9
CCC net removals	Billion pound	16.1	18.4	13.2	12.4	11.6
Butter	Million pound	405	470	355	355	315
Cheese	Million pound	775	875	590	550	510
Nonfat dry milk	Million pound	980	1,130	880	840	800
Evaporated milk	Million pound	22	25	25	25	25
Estimated CCC purchase costs	Million	$2,606	$3,427	$2,179	$2,056	$1,933
Net outlays [5]	Million	$2,648	$3,571	$2,323	$2,200	$2,076
Industry Assessment	Million	$380	0	0	$681	$1,354
Number of cows	Thousand	11,040	11,085	10,865	10,805	10,745
Net CCC outgtays [6]	Million	$2,268	$3,571	$2,323	$1,519	$722
Milk per cow	Pound	12,545	12,800	12,800	12,800	12,800
Prices Received by Farmers:						
Manufacturing grade	Per hundredweight	$12.60	$14.50	$12.78	12.78	$12.78
All Milk sold to plants	Per hundredweight	$13.60	$15.50	$13.78	$13.78	$13.78
Effective price [7]	Per hundredweight	$13.30	$15.50	$13.78	$13.28	$12.78
Farm cash receipts	Millions	[8]$18,270	$21,810	$19,020	[8]$18,220[8]	[8]$17,440
Margin	Per hundredweight	$14.10	$14.77	$14.77	$14.77	$14.77
Retail value	Per hundredweight	$27.70	$30.27	$28.55	$28.55	$28.55
Retail cost	Million	$33,930	$37,230	$35, 800	$35,800	$35,800

[1] Estimated, $13.10 support, April 16, 1983, initial deduction and September 1, 1983, additional 50-cent deduction implemented.
[2] Estimated, no deduction.
[3] Estimated, $13.10 support, 50-cent deduction implemented.
[4] Estimated, $13.10 support, both 50-cent deductions implemented.
[5] Before deductions from producers.
[6] After deductions from producers.
[7] Price received by farmers after 50-cent or $1.00 deduction.
[8] Receipts adjusted to reflect assessments.

APPENDIX TABLE3.—TO IMPACT ANALYSIS.—SELECTED DAIRY DATA

Marketing year [1]	Operations with milk cows [2] (number)	Milk cows on farm [3] (thousands)	Cows per operation [4] (number)	Milk per cow [5] (pounds)	Total milk production [6] (millions of pounds)	All milk sold to plants [7] (dollars per hundredweight)	Dairy feed 16 percent protein [8] (dollars per ton)	Milk/feed price relationship [9] (pounds)	CPI dairy [10] (1967=100)	Commercial disappearance [11] (millions of pounds)	CCC net purchases [12] (millions of pounds)	CCC uncommitted inventories [13] (millions of pounds)
1969/70	647,860	12,050	18.6	9,673	116,529	5.68	73.3	1.55	110.8	108,981	5,595	1,917
1970/71	591,870	11,873	20.1	9,951	118,121	5.85	79.1	1.48	114.6	108,909	7,189	3,094
1971/72	539,350	11,733	21.8	10,244	120,163	6.01	77.8	1.54	116.7	111,814	5,967	2,342
1972/73	497,040	11,497	23.1	10,147	116,611	6.67	102.7	1.30	122.1	113,010	2,097	436
1973/74	470,240	11,255	23.9	10,251	115,337	8.40	131.8	1.27	146.8	113,037	1,145	365
1974/75	443,610	11,172	25.2	10,297	114,919	8.36	139.4	1.21	154.3	113,688	2,236	12
1975/76	416,160	11,048	26.5	10,775	119,032	9.70	138.6	1.40	167.0	115,850	161	0
1976/77	393,510	10,970	27.9	11,136	122,152	9.63	144.1	1.34	172.7	115,069	6,876	4,038
1977/78	369,210	10,833	29.3	11,231	121,638	10.23	134.9	1.52	181.3	118,598	3,229	4,517
1978/79	349,970	10,750	30.7	11,395	122,472	11.73	150.3	1.56	201.6	119,816	1,111	3,038
1979/80	335,770	10,785	32.1	11,800	127,278	12.76	168.2	1.52	222.4	119,334	8,160	7,439
1980/81	322,850	10,890	33.7	12,117	131,963	13.74	196.2	1.40	241.2	120,184	12,661	9,948
1981/82	311,800	11,008	35.3	12,261	135,001	13.62	179.4	1.52	246.4	121,952	13,846	16,468
1982/83 [14]	300,817	11,040	36.7	12,545	138,500	[15] 13.60	178.4	[16] 1.52	250.2	122,500	16,100	20,600
1983/84 [14]	282,021	10,745	38.1	12,800	137,500	[17] 13.78	179.8	[18] 1.53	257.9	125,400	11,600	21,800

[1] Oct. 1 to Sept. 30.
[2] An operation is any place having 1 or more milk cows on hand during the calendar year. Sources: February issues 1980, 1981, 1982 and 1983 of "Milk Production"; "Milk: Final Estimates 1975–78," and "Milk: Final Estimates 1970–74," SRS, USDA.
[3] Simple average of reported monthly numbers. Sources: February issues 1980, 1981, 1982 and 1983 of "Milk Production"; "Milk: Final Estimates 1975–78," and "Milk: Final Estimates 1970–74," SRS, USDA.
[4] Computed by dividing number of milk cows by number of operations.
[5] Simple average of reported monthly prices. Source: "Agricultural Prices Annual Summaries" for 1975, 1976, 1977, 1978, 1979, 1980, 1981, and 1982, SRS, USDA.
[6] Pounds of 16 percent dairy feed equal in value to 1 pound of milk. Computed by dividing all milk price by dairy feed 16 percent protein times 20.
[7] Simple average of reported monthly index. Source: "CPI Detailed Report," Bureau of the Labor Statistics, Department of Labor.
[8] Sum of quarterly reported disappearance on a milk equivalent, fat-solids basis. Source: "Dairy Outlook and Situation," ERS, USDA.
[9] Purchases by CCC less sales for unrestricted use. Sum of monthly reported purchases milk equivalent fat-solids basis. Source: "Commodity Fact Sheet, 1982–83 Dairy Program," ASCS, USDA.
[10] CCC inventories not committed for program use. Computed milk equivalent, end of year dairy product stocks. Source: "Commodity Fact Sheet, 1982–83 Dairy Program," ASCS, USDA.
[11] Projected, for selected option.
[12] $13.30 after adjusment for deduction.
[13] 1.49 pounds after adjustment for deduction.
[14] $12.78 after adjustment for deduction.
[15] 1.42 pounds after adjustment for deduction.

[FR Doc. 83-21017 Filed 8-1-83; 8:45 am]
BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 83-088]

Brucellosis in Cattle; Change in Status of Arkansas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the regulations governing the interstate movement of cattle because of brucellosis by changing the classification of the State of Arkansas from Class B to Class C. This action is necessary because it has been determined that Arkansas meets the standards for Class C but no longer meets the standards for Class B. The effect of this action is to impose more stringent restrictions on the interstate movement of cattle from Arkansas and thereby help prevent the interstate spread of brucellosis.

DATES: Effective date of the interim rule is August 1, 1983. Written comments must be received on or before October 3, 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: Dr. Thomas J. Holt, Cattle Diseases Staff, VS, APHIS, USDA, Room 811, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-5961.

SUPPLEMENTARY INFORMATION:

Background

The brucellosis regulations (contained in 9 CFR Part 78 and referred to below as the regulations) provide for a four-tier system for classifying States or portions of States according to the rate of brucellosis infection present and the general effectiveness of a brucellosis control and eradication program. The four classifications are Class Free, Class A, Class B, and Class C. With respect to brucellosis infection, the Class Free classification is based on a finding of no known brucellosis infection for the period of 12 months preceding classification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis, with Classes A and B in between. The basic standards for the different classifications of States or areas concern maintenance of: (1) A State or area-wide accumulated 12 consecutive month herd infection rate not to exceed a stated level; (2) a Market Cattle Identification (MCI) program reactor rate not to exceed a stated rate (this concerns the testing of cattle for movement through auction markets, stockyards, and slaughtering establishments); (3) a surveillance system which includes a testing program for dairy herds and slaughtering establishments, and provisions for identifying and monitoring herds at high risk of infection, including herds adjacent to infected herds and herds from which infected animals have been sold or received, under approved action plans; and (4) minimum procedural standards for administering the program. States or areas which do not meet the minimum standards for Class C are required to be placed under Federal quarantine for brucellosis.

To attain and maintain Class B status, a State or Area must, among other things, maintain a 12 consecutive month adjusted MCI reactor prevalance rate not to exceed three reactors per 1,000 cattle tested (0.30 percent), and must maintain an accumulated 12-month herd infection rate due to field strain *B.*

abortus not to exceed 15 herds per 1,000 (1.5 percent). Prior to the effective date of this document the entire State of Arkansas was classified as a Class B State. A review of Arkansas brucellosis program records for the 12-month period June 1, 1982, through May 31, 1983, indicates that the adjusted MCI rate for that period is 0.408 percent. Also, records establish that the herd infection rate for the same 12 month period exceeds 1.5 percent. Under these circumstances, Arkansas no longer meets the requirements for Class B status.

A State or area is required to be given Class C status if it falls below the requirements for Class B but maintains certain minimal procedural standards, including standards concerning testing, tracing, and conducting epidemiologic investigations. It appears that Arkansas meets the criteria for Class C status.

The regulations at § 78.1(v) provide that prior to lowering the classification of a State or Area, the Deputy Administrator for Veterinary Service shall provide the affected State notice an opportunity to be heard. The regulations at § 78.25(a) also provide that prior to lowering the classification of a State or Area, the State animal health official of the State involved will be notified of such downgrading, and shall be given an opportunity to request an administrative review and to present objections and arguments to the Deputy Administrator prior to the downgrading taking effect. These requirements were met.

Under the circumstances referred to above, it is necessary to reclassify Arkansas from Class B to Class C.

Executive Order and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will not have a 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 cause adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

There are approximately 2 million head of cattle in Arkansas distributed among approximately 51,000 herds. The herds range in size from several head to over a thousand head. For purposes of action under the Regulatory Flexibility Act, most of the cattle producers in Arkansas are considered to be small entities.

Changing the status of Arkansas from Class B to Class C imposes additional testing requirements on the interstate movement of certain cattle. Records concerning the movement, testing, and slaughter of cattle indicate that most of the cattle sold at markets in Arkansas remain in Arkansas. Cattle moved interstate from Arkansas are moved for slaughter, for use as breeding stock, or for feeding. Under the regulations, cattle moved interstate for immediate slaughter, or to quarantined feedlots will not be subject to the additional testing requirements. Also, calfhood vaccinates and cattle from Certified Brucellosis-free herds moving interstate are not subject to the additional testing under the regulations.

Although this amendment is extremely significant for helping to prevent the interstate spread of brucellosis, the number of cattle moved interstate from Akansas which will be affected by this amendment is insignficant compared to the number of cattle moved interstate within the United States.

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.

Emergency Action

Dr. John K. Atweel, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services 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 interstate spread of brucellosis.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 533, 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 final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

List of Subjects in 9 CFR Part 78

Animal diseases, Cattle, Quarantine, Transportation, Brucellosis.

PART 78—BRUCELLOSIS

§ 78.20 [Amended]

Accordingly, the Brucellosis regulations in 9 CFR Part 78 are amended by removing "Arkansas," in § 78.20(c) and by adding "Arkansas," immediately before "Florida" in § 78.20 (d).

(Secs. 4, 5, 6, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132, (21 U.S.C. 111–113, 114a–1, 115, 120, 121, 125, 134b, 134f); 7 CFR 2.17, 2.51, and 371.2 (d))

Done at Washington, D.C., this 29th day of July, 1983.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 83-20947 Filed 7-29-83; 12:16 pm]

BILLING CODE 3410-34-M

FEDERAL RESERVE SYSTEM

12 CFR Part 220

Credit by Brokers and Dealers; Technical Amendments to Revision and Simplification of Regulation T

AGENCY: Board of Governors the Federal Reserve System.

ACTION: Final Rule; Technical Amendments.

SUMMARY: The Board is making technical amendments to its final rule on Regulation T (Credit by Brokers and Dealers) published at 48 FR 23161, May 24, 1983. This action is necessary to include language in sections 2 (Definitions) and 17 of the regulation (Requirements for List of OTC Margin Stocks) that was inadvertently omitted or was the result of typographical errors. The language to be included reflects the Board's May 12, 1982 revision of criteria for initial and continued inclusion on the List of OTC margin stocks published at 47 FR 21756, May 20, 1982.

EFFECTIVE DATE: November 21, 1983 or any earlier date after June 20, 1983, at the option of the creditor.

FOR FURTHER INFORMATION CONTACT: Jamie Lenoci, Financial Analyst, or Douglas Blass, Attorney, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452–2781.

SUPPLEMENTARY INFORMATION: The last sentence of § 220.2(s) of the final rule in 12 CFR 220 (48 FR 23161,

23166, May 24, 1983) is corrected to read as follows:

(s) * * * An OTC stock is not considered to be an "OTC margin stock" unless it appears on the Board's periodically published list of OTC margin stocks.

Section 17(a)(3) of the final rule in 12 CFR 220 (48 FR 23161, 23171, May 24, 1983) is corrected to read as follows:

(3) The stock is registered under section 12 of the Act, is issued by an insurance company subject to section 12(g)(2)(G) of the Act, is issued by a closed-end investment management company subject to registration pursuant to section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a-8), is an American Depository Receipt (ADR) of a foreign issuer whose securities are registered under section 12 of the Act, or is a stock of an issuer required to file reports under section 15(d) of the Act;

§ 220.17 [corrected]

Section 220.17(a)(9) of the final rule in 12 CFR 220 (48 FR 23161, 23171, May 24, 1983) is corrected to read as follows:

(a) * * *

(9) The issuer or a predecessor in interest has been in existence for at least three years.

* * * * *

Board of Governors of the Federal Reserve System, July 27, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-20780 Filed 8-1-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 303

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

Correction

In FR Doc. 83-16463 beginning on page 28073 in the issue of Monday, June 20, 1983, makes the following correction:

On page 28076, middle column, § 303.2 (a), twelve lines from the bottom of the page, "published not more" should have read "published or not more".

BILLING CODE 1505-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 140

Delegation of Authority To Determine Whether an Application for Contract Market Designation is Materially Incomplete

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending Part 140 of its rules by adding a provision delegating authority to certain Commission officials to determine whether applications for contract market designations are materially incomplete. The recent amendment to Section 6 of the Commodity Exchange Act by Section 218 of the Futures Trading Act of 1982, Pub. L. 97-444, 96 Stat. 2308 provides for a one year period during which the Commission shall consider applications for contract market designations. The running of this one year period can be stayed by the Commission when the application for designation is materially incomplete. The Commission has determined to delegate to the Directors of the Divisions which analyze such applications its authority to determine whether such applications are materially incomplete. The Commission's action relates solely to agency organization, procedure and practice.

EFFECTIVE DATE: August 2, 1983.

FOR FURTHER INFORMATION CONTACT: Paul M. Architzel, Chief Counsel, Division of Economics and Education, Commodity Futures Trading Commission 2033 K Street, NW., Washington, D.C. 20581, telephone (202) 254-6990.

SUPPLEMENTARY INFORMATION: The Futures Trading Act of 1982 ("1982 Act"), Pub. L. 97-444, 96 Stat. 2294, became effective on January 11, 1983. The 1982 Act amended Section 6 of the Commodity Exchange Act to provide that the Commission must consider applications for contract market designation within one year of the submission of the application. The Commission can stay the running of that period, however, if the application is materially incomplete. To eliminate the necessity for the Commission itself to consider the relative completeness of each designation application when filed, the Commission is amending Part 140 of its rules by adding § 140.75, which delegates to certain Commission officials the authority to determine whether contract market applications are materially incomplete as filed.[1]

The Commission is delegating to the Directors of the Divisions of Economics and Education and Trading and Markets, and their designees, the authority to make the determination and to notify any contract market that its application is materially incomplete. The Commission anticipates that contract market applications will be deemed to be materially incomplete if they fail to address any of the criteria for contract market designation applications identified in Commission Guideline No. 1, 47 FR 49838 (November 3, 1982), to be codified at 17 CFR Part 5, Appendix A, or any other applicable requirements for contract market designation. Applications which fail to provide sufficiently detailed analysis of the specific criteria required to be addressed, or which fail to provide sufficient data supporting such analyses, will also be deemed to be materially incomplete. In addition, applications will be deemed to be materially incomplete if proposed exchange rules which are necessary to implement or meet the various criteria for contract market designation are absent.

The Commission has determined that this amendment to Part 140 relates solely to agency organization, procedure, and practice. Therefore, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, which generally require notice of proposed rulemaking and which provide other opportunities for public participation, are not applicable.[2] The Commission further finds that, because of the need promptly to update this rule in light of the enactment of the Futures Trading Act of 1982, there is good cause to make this amendment effective immediately upon publication in the **Federal Register**.

List of Subjects in 17 CFR Part 140

Contract market designation, Contract markets, Application for contract market designation.

PART 140—[AMENDED]

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and in particular, Sections 2(a)(11), and 6 of the Act, 7 U.S.C. 4a(j) and 8, as amended by the Futures Trading Act of 1982 Pub. L.

[1] To the extent that Section 6 of the Act is applicable to the designation of contract markets in options under Commission Rule 33.2, 17 CFR 33.2 (1982), this delegation of Section 6 authority is also applicable.

[2] Similarly, the provisions of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164, do not apply. See 5 U.S.C. 601(2).

97–444, 96 Stat. 2294; 2308 (1983), the Commission hereby amends Chapter 1 of Title 17 of the Code of Federal Regulations as follows:

Part 140 is amended by adding § 140.77 to read as follows:

§ 140.77 Delegation of authority to determine that applications for contract market designation are materially incomplete.

(a) The Commodity Futures Trading Commission hereby delegates, until such time as the Commission orders otherwise, to the Directors of the Division of Economics and Education and the Division of Trading and Markets or their designees, the authority to determine that an application for contract market designation is materially incomplete under Section 6 of the Commodity Exchange Act and to so notify the applicant.

(b) The Directors of the Division of Economics and Education and the Division of Trading and Markets may submit any matter which has been delegated to them under paragraph (a) of this section to the Commission for its consideration.

(c) Nothing in this section may prohibit the Commission, at its election, from exercising the authority delegated to the Directors of the Division of Economics and Education and the Division of Trading and Markets under paragraph (a) of this section.

Issued in Washington, District of Columbia on July 26, 1983, by the Commission.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 83-20728 Filed 8-1-83; 8:45 am]

BILLING CODE 6351-01-M

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 410

Amendment of Basin Regulations; Water Code and Water Quality Standards

AGENCY: Delaware River Basin Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects the amendatory language pertaining to a Part heading on Basin Regulations published July 21, 1983 (48 FR 33256).

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission; P.O. Box 7360, West Trenton, New Jersey 08628; Telephone (609) 883–9500.

SUPPLEMENTARY INFORMATION: Accordingly, on page 33256, column 3, lines 5 and 6 are corrected to read as follows: "410 is revised to read as follows:"

(Delaware River Basin Compact, 75 Stat. 688)

Susan M. Weisman,

Secretary.

July 26, 1983.

[FR Doc. 83-20702 Filed 8-1-83; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 74

[Docket No. 83C-01380]

[Phthalocyaninato(2-)] Copper; Listing as a Color Additive for Coloring Contact Lenses

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations to provide for the safe use of [phthalocyaninato(2-)] copper as a color additive for coloring contact lenses. This action responds to a petition filed by Wilsa, Inc. FDA is also incorporating the listing of this color additive for use in sutures into the subpart of its regulations that the agency recently established for medical devices.

DATES: Effective September 2, 1983; objections by September 1, 1983.

ADDRESS: Written objections may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Geraldine E. Harris, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of May 17, 1983 (48 FR 22212), FDA announced that a color additive petition (CAP 3C0166) had been filed by Wilsa, Inc., P.O. Box 36142, Denver, CO 80236, proposing that the color additive regulations be amended to provide for the safe use of [phthalocyaninato(2-)] copper for coloring contact lenses. The petition was filed under section 706 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376).

With the passage of the Medical Device Amendments of 1976 (Pub. L. 94–295), Congress mandated the listing of color additives for use in medical devices where the color additive comes in direct contact with the body for a significant period of time (section 706(a) of the act). The use of [phthalocyaninato(2-)] copper presented in the petition before the agency is subject to this listing requirement. The color additive is added to contact lenses in such a way that at least some of the color additive will come in contact with the eye when the lenses are worn. In addition, the lenses are intended to be placed on the eye for several hours each day for 1 year or more. Thus, the color additive will come in direct contact with the body for a significant period of time.

The agency, having evaluated the data in the petition and other relevant material, finds that [phthalocyaninato(2-)] copper is safe and suitable for use in coloring contact lenses under the conditions prescribed in new § 75.3045 (21 CFR 74.3045). FDA has established a limitation of 0.01 percent by weight for [phthalocyaninato(2-)] copper in contact lenses because this is the level requested by the petitioner and because the available ocular study does not support the safety of the use of this color additive at higher levels.

FDA previously listed this color additive (CAS Reg. No. 147–14–8 (an editorial addition)) for use in polypropylene sutures used in general and ophthalmic surgery under § 74.1045 (21 CFR 74.1045). Sutures, which were regulated as drugs before the passage of the Medical Device Amendments of 1976, are now regulated as medical devices. Recently, in a regulation published in the **Federal Register** of March 29, 2983 (48 FR 13020), FDA amended the color additive regulations by establishing a Subpart D under 2 CFR Part 74. To avoid redundancy and to simplify the regulations pertaining to this color additive, the agency is removing § 74.1045 and incorporating the provisions of that section in new § 74.3045 in Subpart D. The agency has revised the restriction that had appeared in § 74.1045(c), that the color additive regulation does not waive the requirements of section 505 of the act with respect to the drug in which the color additive is used, to reflect the status of sutures as medical devices. Thus, § 74.3045(c)(3) states that the medical devices in which this color additive is used (including sutures) are subject to the requirements of sections 510(k), 515, and 520(g) of the act instead of section 505.

In accordance with § 71.15 (21 CFR 71.15), the color additive petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for

inspection at the Bureau of Foods by appointment with the information contact person listed above. As provided in § 71.15(b), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has considered the potential environmental effects of this action and has concluded that this action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 74

Color additives, Color additives subject to certification; Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706, 70 Stat. 919 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371(e), 376)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 74 is amended as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

§ 74.1045 [Removed]

1. By removing § 74.1045 *[Phthalocyaninato(2-)] copper.*

2. By adding new § 74.3045 to Subpart D, to read as follows:

§ 74.3045 [Phthalocyaninato(2-)] copper.

(a) *Identity.* The color additive is [phthalocyaninato(2-)] copper (CAS Reg. No. 147–14–8) having the structure shown in Colour Index No. 74160.

(b) *Specifications.* The color additive [phthalocyaninato(2-)] copper shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by current good manufacturing practice:

Volatile matter 135° C (275° F), not more than 0.3 percent.

Salt content (as NaCl), not more than 0.3 percent.

Alcohol soluble matter, not more than 0.5 percent.

Organic chlorine, not more than 0.2 percent.

Aromatic amines, not more than 0.05 percent.

Lead (as Pb), not more than 40 parts per million.

Arsenic (as As), not more than 3 parts per million.

Mercury (as Hg), not more than 1 part per million.

Total color, not less than 98.5 percent.

(c) *Uses and restrictions.* (1) The color additive [phthalocyaninato(2-)] copper may be safely used to color polypropylene sutures for use in general and ophthalmic surgery subject to the following restrictions:

(i) The quantity of the color additive does not exceed 0.5 percent by weight of the suture.

(ii) The dyed suture shall conform in all respects to the requirements of the United States Pharmacopeia.

(iii) When the sutures are used for the purposes specified in their labeling, there is no migration of the color additive to the surrounding tissue.

(2) The color additive [phthalocyaninato(2-)] copper may be safely used for coloring contact lenses when incorporated in the lens at levels not to exceed 0.01 percent by weight of the lens material.

(3) Authorization for these uses shall not be construed as waiving any of the requirements of section 510(k), 515, or 520(g) the Federal Food, Drug, and Cosmetic Act with respect to the medical device in which [phthalocyaninato(2-)] copper is used.

(d) *Labeling.* The label of the color additive shall conform to the requirements of § 70.25 of this chapter.

(e) *Certification.* All batches of [phthalocyaninato (2-)] copper shall be certified in accordance with regulations in Part 80 of this chapter.

Any person who will be adversely affected by the foregoing regulation may at any time, on or before September 1, 1983, file with the Dockets Management Branch (address above) written objections thereto. Objections shall show how the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objection. Objections shall be filed in accordance with the requirements of 21 CFR 71.30. If a hearing is requested, the objections shall state the issues for the hearing and shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Three copies of all documents shall be filed and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective September 2, 1983, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the **Federal Register.**

(Secs. 701(e), 706, 70 Stat. 919 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371(e), 376))

Dated: July 21, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-20798 Filed 8-1-83; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 436

Antibiotic Drugs; Cefazolin Sodium Injection

Correction

In FR Doc. 83–19535, beginning on page 33478, in the issue of Friday, July 22, 1983, make the following correction.

On page 33479, first column, § 436.342(f), the first equation should have read:

$$\text{Micrograms of cefazolin per milligram} = \frac{R_s \times P_s \times 100}{R_u \times C_u \times (100 - m)}$$

---

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject To Certification; Lactic Acid

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Philips Roxane, Inc., providing for use of lactic acid to castrate bull calves.

EFFECTIVE DATE: August 2, 1983.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV–135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4913.

SUPPLEMENTARY INFORMATION: Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, MO 64502, filed NADA 126–455 providing for the intratesticular use of Chem-Cast™ (lactic acid) a sclerosing agent for castrating bull calves.

The basis for approval of this application is discussed in the freedom of information (FOI) summary referred to below. The NADA is approved and the regulations are amended to reflect the approval.

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

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1 (f)(1)(iv), and (g)), may be seen in the Dockets Management Branch (address above).

List of Subjects in 21 CFR Part 522

Animal drugs, Injectable.

Therefore, under the Federal Food, Drug, and Cosmetic Act (see. 512 (i), 82 Stat. 347 (21 U.S.C 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended by adding new § 522.1228 to read as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.1228 Lactic acid.

(a) *Chemical name.* 2-Hydroxy-propanoic acid.

(b) *Specifications.* Each milliliter of sterile solution contains 1.200 grams of lactic acid. Conforms to lactic acid U.S.P.

(c) *Sponsor.* See No. 000010 in § 510.600(c) of this chapter.

(d) *Conditions of use*—(1) *Indications for use.* It is used to castrate bull calves up to 150 pounds.

(2) *Amount.* As a single injection at 1 milliliter per testis for bulls up to 100 pounds and at 1.5 milliliters per testis for bulls weighing 101 to 150 pounds.

(3) *Limitations.* It is administered intratesticular. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. August 2, 1983.

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

Dated: July 27, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-20797 Filed 8-1-83; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Dale Alley Co., providing for manufacturing a 40-gram-per-pound tylosin premix. The premix is used to make finished feeds for swine, beef cattle, and chickens.

EFFECTIVE DATE: August 2, 1983.

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

SUPPLEMENTARY INFORMATION: Dale Alley Co., P.O. Box 444, 222 Sylvanie St., St. Joseph, MO 64502, is the sponsor of a supplement to NADA 96–512 submitted on its behalf by Elanco Products Co. This supplement provides for the manufacture of a 40-gram-per-pound premix subsequently used to make finished feeds for swine, beef cattle, and chickens for use as in 21 CFR 558.625(f)(1) (i) through (vi). The basis for approval of this supplement is discussed in the freedom of information (FOI) summary. Based on the data and information submitted, the supplement is approved and the regulations are amended to reflect the approval.

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

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

List of Subjects in 21 CFR Part 558

Animal drugs; Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.625 is amended by revising paragraph (b)(50) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.625 Tylosin.

* * * * *

(b)* * *

(50) To No. 018083: 4 grams per pound, paragraph (f)(1)(vi)(*a*) of this section; 8, 10, and 40 grams per pound, paragraph (f)(1) (i) through (vi) of this section.

* * * * *

Effective date. August 2, 1983.

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

Dated: July 25, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-20756 Filed 8-1-83; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Feed Fortifiers, Inc., providing for manufacturing a 40-gram-per-pound tylosin premix. The premix is used to make finished feeds for swine, beef cattle, and chickens.

EFFECTIVE DATE: August 2, 1983.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Bureau of Veterinary Medicine (HFV–130), Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4913.

SUPPLEMENTARY INFORMATION: Feed Fortifiers, Inc., Manson, IA 50563, is the sponsor of a supplement to NADA 93–518 submitted on its behalf by Elanco Products Co. This supplement provides for the manufacture of a 40-gram-per-pound premix subsequently used to make finished feeds for swine, beef cattle, and chickens for use as in 21 CFR 558.625(f)(1) (i) through (vi). The basis for approval of this supplement is discussed in the freedom of information (FOI) summary. Based on the data and information submitted, the supplement is approved and the regulations are amended to reflect the approval.

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

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

List of Subjects in 21 CFR Part 558

Animal drugs; Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.625 is amended by revising paragraph (b)(2) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.625 Tylosin.

* * * * *

(b) * * *

(2) To No. 017255: 1, 2, 4, 5, 8, 10, and 40 grams per pound, paragraph (f)(1) (i) through (vi) of this section.

* * * * *

Effective date. August 2, 1983.

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

Dated: July 25, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83–20649 Filed 8–1–83; 8:45 am]

BILLING CODE 4160–01–M

---

21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Wayne Feed Division, Continental Grain Co., providing for manufacturing a 40-gram-per-pound tylosin premix. The premix is used to make finished feeds for swine, beef cattle, and chickens.

EFFECTIVE DATE: August 2, 1983.

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

SUPPLEMENTARY INFORMATION: Wayne Feed Division, Continental Grain Co., P.O. Box 459, Libertyville, IL 60048, is the sponsor of a supplement to NADA 99–468 submitted on its behalf by Elanco Products Co. This supplement provides for the manufacture of a 40-gram-per-pound premix subsequently used to make finished feeds for swine, beef cattle, and chickens for use as in 21 CFR 558.625(f)(1) (i) through (vi). The basis for approval of this supplement is discussed in the freedom of information (FOI) summary. Based on the data and information submitted, the supplement is approved and the regulations are amended to reflect the approval.

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

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

List of Subjects in 21 CFR Part 558

Animal drugs; Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.625 is amended by revising paragraph (b)(33) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.625 Tylosin.

* * * * *

(b)* * *

(33) To No. 034936: 0.8 and 2 grams per pound, paragraph (f)(1)(vi) (*a*) of this section; 4, 8, and 10 grams per pound, paragraph (f)(1)(i), (iii), (iv), and (vi) of this section; 40 grams per pound, paragraph (f)(1) (i) through (vi) of this section.

* * * * *

Effective date. August 2, 1983.

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

Dated: July 25, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83–20648 Filed 8–1–83; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203 and 235

[Docket No. R–83–991]

Mutual Mortgage Insurance and Rehabilitation Loans; Mortgage Insurance and Assistance Payments for Homeownership and Project Rehabilitation; Providing Information to Mortgagor

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

ACTION: Notice of announcement of effective date for final rule.

SUMMARY: This notice announces the effective date for the final rule published in the **Federal Register** on June 24, 1983 (48 FR 28985) that made final an interim rule published on August 3, 1982 (47 FR 33495). The interim rule published on August 3, 1982 concerned two changes

to HUD rules on annual mortgagee notices to mortgagors in HUD's single family mortgage insurance programs to (1) reduce the number of days (from 60 to 30) in which a mortgagee must furnish statements of interest paid and taxes disbursed from escrow during the preceding calendar year, and (2) change the notice requirements to mortgagors under HUD's homeownership mortgage insurance and assistance payments program. The effective date provision of the rule stated that the rule would become effective upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, and announced that future notice of the effectiveness of the rule would be published in the **Federal Register.**

DATE: The effective date for the final rule published June 24, 1983 (48 FR 28985), is August 3, 1983.

FOR FURTHER INFORMATION CONTACT: Richard B. Buchheit, Director, Single Family Servicing Division, Office of Single Family Housing, Department of Housing and Urban Development, Room 9180, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 755–8680. (This is not a toll-free number.)

Dated: July 28, 1983.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 83–20874 Filed 8–1–83; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Approval of Supplement to California State Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This notice announces approval of a supplement to the California State Plan concerning the State's adoption of a Small Employer Voluntary Compliance Program. The program exempts from general schedule inspections for one year those small employers who, as a result of a full scope ("wall-to-wall") consultation visit, voluntarily comply with State occupational safety and health regulations.

EFFECTIVE DATE: August 2, 1983.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Washington, D.C. 20210.

SUPPLEMENTARY INFORMATION:

A. Background

1. Description of the Supplement

Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the "Act") for review of changes and progress in the development and implementation of State plans which have been approved under section 18(c) of the Act and Part 1902 of Title 29, Code of Federal Regulations. On May 1, 1973, a notice was published in the **Federal Register** (38 FR 10717) of the approval of the California plan and of the adoption of Subpart K of Part 1952 describing the plan.

California has adopted and submitted to OSHA as a State initiated plan change supplement a Small Employer Voluntary Compliance Program which is designed to reward the efforts of small businesses whose voluntary compliance with State occupational safety and health standards results from a wall-to-wall consultation visit. The program, effective March 1, 1981, is described in California's Policy and Procedure C–14, Attachment B, in the Policy and Procedure Manual of the Division of Occupational Safety and Health (hereinafter called DOSH).

In brief, the program provides that employers with 50 or fewer employees who have fixed worksites will not be subject to general schedule inspection by DOSH for one year if such employers meet the following criteria: (1) The employer has requested and received a wall-to-wall consultation by the Cal/OSHA Consultation Service within the 12 months preceding any attempt by DOSH to conduct a routine inspection; (2) the employer has corrected, or is in the process of correcting, any safety or health hazards which the Cal/OSHA consultant identified to the employer as a result of the consultation; and (3) the employer has an accident and illness prevention program as required by California General Industry Safety Order 3203. This accident prevention program must at a minimum include (1) a training program for employees in safe work practices and specific instructions with respect to hazards unique to the job assignment and (2) scheduled periodic inspections to identify and correct unsafe conditions and work practices.

To ensure that health coverage is adequate, a consultant with cross-over training is used for any consultation visit where health hazards are anticipated. The consultant may request the services of an industrial hygienist on referral, if necessary. The consultant makes follow-up visits to confirm abatement of all identified hazards or may accept the employer's written confirmation of abatement.

The employer is required to invite employee participation in the consultation walkthrough. The consultant informs the employee representative about the program and explains complaint procedures.

On July 12, 1982, OSHA initiated, on a six month trial basis in seven states, an inspection exemption program which is similar in many respects and, in fact, is patterned to a large extent on the California program. This Federal experimental program has been extended to January 1, 1984.

2. Public Comment

On August 20, 1982, after a preliminary review of the California Small Employer Voluntary Compliance Program, OSHA published a notice in the **Federal Register** requesting public comments on whether the supplement should be approved (47 FR 36449). One comment was received in response to this notice. It was from the United Steelworkers of America (USWA), which was opposed to the program. The USWA maintained that "no employer should be exempt from any general schedule inspection especially where those inspections are targeted at high hazard industries." The USWA proposed that "at the very least those [participating] employers should be returned to the general schedule list at the end of the 12 month period." The USWA additionally maintained that the supplement should not be approved without OSHA's first obtaining an evaluation of how the program has worked since its initiation. Finally, the USWA objected to the fact that follow-up visits are not required in all cases to assure abatement of hazards noted in the initial consultation visit and that written assurances of abatement are accepted in some cases.

With respect to the USWA's general opposition to the exemption program as a whole, OSHA believes the union's misgivings are unwarranted. The exemption program represents a reasoned and responsible approach on the part of DOSH to improving safety and health conditions in workplaces covered by the California plan. It is designed as an incentive to employers to

undertake voluntary efforts to improve workplace safety and health conditions. This approach also improves DOSH's utilization of scarce enforcement resources. It must be stressed that the program does not exempt employers from the requirement to comply with California's occupational safety and health standards and regulations. Nor does the program exempt employers from complaint or accident inspections.

Regarding the USWA's proposal to return participating employers to the general schedule list after the 12 month period, the California program does in fact contain this provision. However, employers may, if they pass an evaluation, elect to participate for another 12 months by again requesting and receiving an on-site wall-to-wall consultation.

More than 100 firms are presently participating in the California program. In its 12 month reevaluation of participating employers, the Cal/OSHA Consultation Service noted a significant decline in workplace accidents for these employers. For example, the number of injury/illness cases resulting in lost workdays declined 49% while the number of injury/illness cases not requiring time away from work declined a full 66%. Additionally, the Consultation Service reports that the Accident Prevention Programs, required of employers under the exemption program, improved 100% on an objective scale. It appears, therefore, that the California Small Employer Voluntary Compliance Program has achieved demonstrable, beneficial results.

Finally, although the California program does not require a follow-up visit by a consultant to confirm abatement in every case, such follow-up visits are conducted when deemed warranted by the Consultation Service, especially in cases where written assurance of abatement has not been received. On the basis of the foregoing, OSHA concludes that the California Small Employer Voluntary Compliance Program does not adversely impact the overall effectiveness of the California plan.

B. Location of the Supplement for Inspection and Copying

A copy of the plan change supplement, comments concerning the supplement, and the approved plan may be inspected and copied during normal business hours at the Directorate of Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N–3700, 200 Constitution Avenue, NW., Washington, D.C. 20210.

C. Decision

After careful consideration, the California plan change supplement described above is hereby approved under Part 1953 of this chapter.

List of Subjects in 29 CFR Part 1952

Intergovernmental relations, Law enforcement, Occupational safety and health.

In accordance with this decision, Subpart K of 29 CFR Part 1952 is amended by adding a new paragraph (g) to § 1952.175 as follows:

§ 1952.175 Changes to approved plans.

* * * * *

(g) In accordance with Subpart E of Part 1953 of this Chapter, California's Small Employer Voluntary Compliance Program, implemented on March 1, 1981, was approved by the Assistant Secretary on August 2, 1983.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667); Secretary of Labor's Order No. 8–76 (41 FR 25059); 29 CFR Part 1953)

This document was prepared under the authority of Thorne G. Auchter, Assistant Secretary of Labor, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, D.C. 20210.

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

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 83–20916 Filed 8–1–83; 8:45 am]

BILLING CODE 4510–26–M

---

29 CFR Part 1952

Approval of Amendments to Utah Rules and Regulations

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of approval of State plan supplement.

SUMMARY: This document gives notice of Federal approval of amendments to the Utah rules and regulations. The amendments exempt certain employer establishments from maintaining the log and summary. They also authorize the use of personal sampling devices during workplace inspections. These amendments were made to bring the State's rules and regulations into conformity with regulation changes made by the Occupational Safety and Health Administration.

EFFECTIVE DATE: August 2, 1983.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Consumer Affairs, Occupational Safety and Health Administration, Room N–3637, U.S. Department of Labor, Washington, D.C. 20210, Telephone (202) 523–8148.

SUPPLEMENTARY INFORMATION:

Background

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with Section 18(c) of the Act and Part 1902 of this chapter. On January 10, 1973, notice was published in the **Federal Register** of the approval of the Utah plan and of the adoption of Subpart E of Part 1952 containing the decision (38 FR 1178). On February 1, 1983, the State of Utah submitted supplements to the plan involving Federal program changes (see Subpart C of 29 CFR Part 1953).

Description of Plan Supplements

Exemption From Requirements for Recording Occupational Injuries and Illnesses

The amendment to the Utah Rules and Regulations for Recording and Reporting Occupational Injuries and Illnesses (Part 04) exempts employer establishments in retail trades, finance, insurance and real estate, and services form maintaining records on occupational injuries and illnesses. This amendment is identical to the Federal amendment which was published in the **Federal Register** (47 FR 5799) on December 28, 1982, except those establishments included in the real estate Standard Industrial Classification (SIC), that are engaged in construction work, will be required to maintain records.

Conduct of Workplace Inspections

Utah has amended its regulations to authorize compliance officers to use personal sampling devices and to attach such devices to employees during the conduct of workplace inspections. The State's amendment is identical to the Federal amendment which was published in the **Federal Register** (47 FR 55478) on December 10, 1982.

Locations of the Plan and Its Supplements for Inspection and Copying

A copy of the plan and supplements may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 1554, Federal Building, 1961 Stout Street,

Denver, Colorado, 80202; the Utah Industrial Commission, UOSHA Offices at 160 East 3rd South, Salt Lake City, Utah 84110–5800; and the Office of the Director for State Programs, Room N3700, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Public Participation

Under section 1953(c) of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistant with applicable law. The Assistant Secretary finds that the Utah plan supplements described above are substantially identical to OSHA policies and procedures. Accordingly, it is found that further public comment is unnecessary.

Decision

After careful consideration, the Utah plan supplements are hereby approved under Subpart C of 29 CFR Part 1953.

(Sec. 18 Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

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

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 83-20942 Filed 8-1-83; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 263

Traffic and Vehicle Control on Certain Defense Mapping Agency Sites

AGENCY: Office of the Secretary, Defense Mapping Agency (DMA), DoD.

ACTION: Final rule.

SUMMARY: The Defense Mapping Agency is establishing rules and regulations for the enforcement of state vehicular and traffic laws that cannot be assimilated under the Assimilative Crimes Act. This rule adds to existing regulations and provides for local enforcement in accordance with 40 U.S.C. 318, as directed by Part 210 of this title.

EFFECTIVE DATE: August 2, 1983.

FOR FURTHER INFORMATION CONTACT: Stephen Hart, Office of the Assistant General Counsel, Hydrographic/Topographic Center, 6500 Brookes Lane, Washington, D.C. 20315, telephone 202–227–2268.

SUPPLEMENTARY INFORMATION: In FR Doc. 81–24112 appearing in the **Federal Register** (46 FR 42083) on August 19, 1981, the Office of the Secretary of Defense published a proposed rule for the enforcement of State traffic laws on DoD installations. No comments having been received from the public, FR Doc. 81–34399 was published in the **Federal Register** (46 FR 58306) on December 1, 1981, announcing a final rule in which a new Part 210 was added to Chapter 1 of this title, "Enforcement of State Traffic Laws on DoD Installations."

The rule published hereunder implements Part 210 of this title as it applies to certain installations of the Defense Mapping Agency. Since it is a local implementation of a previously published Departmental Final Rule that received no public comment, it is considered impracticable and unnecessary to again give notice and request public comment.

List of Subjects in 32 CFR Part 263

Federal buildings and facilities, Traffic regulations.

Accordingly, 32 CFR is amended by adding a new Part 263, reading as follows:

PART 263—TRAFFIC AND VEHICLE CONTROL ON CERTAIN DEFENSE MAPPING AGENCY SITES

Sec.

Authority: 63 Stat. 377 as amended, 18 U.S.C. 13, 40 U.S.C. 318 a through d, 50 U.S.C. 797, Delegations, 43 FR 56895, 46 FR 58306.

§ 263.1 Definitions.

As used in this part:

(a) "Brookmont site" means those grounds and facilities of the Defense Mapping Agency Hydrographic/Topographic Center (DMAHTC) and the Defense Mapping Agency Office of Distribution Services (DMAODS) located in Montgomery County, Maryland, over which the Federal Government has acquired exclusive or concurrent jurisdiction.

(b) "Uniformed guard" means a designated DMA government guard appointed to enforce vehicle and traffic regulations by the Director, DMAHTC.

§ 263.2 Applicability.

The provisions of this regulation apply to all areas in the Brookmont site and to all persons on or within the site. They supplement those penal provisions of Title 18, U.S. Code, relating to crimes and criminal procedures, which apply without regard to the place of the offense and those provisions of state law which are made federal criminal offenses by virtue of the Assimilative Crimes Act, 18 U.S.C. 13.

§ 263.3 Compliance.

(a) All persons entering the site shall comply with this regulation; with all official signs; and with the lawful directions or orders of a uniformed guard in connection with the control or regulation of traffic, parking or other conduct at the Brookmont site.

(b) At the request of a uniformed guard, a person must provide identification by exhibiting satisfactory credentials (such as driver's license).

(c) No person shall knowingly give any false or fictitious report concerning an accident or violation of this regulation to any person properly investigating an accident or alleged violation.

(d) All incidents resulting in injury to persons or damage to property must be reported to the Security Office immediately.

(e) No person involved in an accident shall leave the scene of that accident without first giving aid or assistance to the injured and making his or her identity known.

§ 263.4 Registration of vehicles.

(a) Newly assigned or employed individuals who intend to operate a privately-owned vehicle at the site shall register it with the Security Police Division within 24 hours after entry on duty.

(b) Temporary registration for a specified period of time will be permitted for temporarily hired, detailed, or assigned personnel; consultants; contractors; visiting dignitaries, etc.

§ 263.5 Inspection of license and registration.

No person may operate any motor vehicle on the site without a valid, current operator's license, nor may any person, if operating a motor vehicle on the site, refuse to exhibit for inspection, upon request of a uniformed guard, his operator's license or proof of registration of the vehicle under his control at time of operation.

§ 263.6 Speeding or reckless driving.

(a) No person shall drive a motor vehicle on the site at a speed greater than or in a manner other that what is reasonable and prudent for the particular location, given the conditions of traffic, weather, and road surface and having regard to the actual and potential hazards existing.

(b) Except when a special hazard exists that requires lower speed, the speed limit on the site is 15 m.p.h., unless another speed limit has been duly posted, and no person shall drive a motor vehicle on the site in excess of the speed limit.

§ 263.7 Emergency vehicles.

No person shall fail or refuse to yield the right-of-way to an emergency vehicle when operating with siren or flashing lights.

§ 263.8 Signs.

Every driver shall comply with all posted traffic signs.

§ 263.9 Right-of-way in crosswalks.

No person shall fail or refuse to yield the right-of-way to a pedestrian or bicyclist crossing a street in the marked crosswalk.

§ 263.10 Parking.

(a) No person, unless otherwise authorized by a posted traffic sign or directed by a uniformed guard, shall stand or park a motor vehicle:

(1) On a sidewalk, lawn, plants or shrubs.

(2) Within an intersection or within a crosswalk.

(3) Within 15 feet of a fire hydrant, 5 feet of a driveway or 30 feet of a stop sign or traffic control device.

(4) At any place which would result in the vehicle being double parked.

(5) At curbs painted yellow.

(6) In a direction facing on-coming traffic.

(7) In a manner which would obstruct traffic.

(8) In a parking space marked as not intended for his or her use.

(9) Where directed not to do so by a uniformed guard.

(10) Except in an area specifically designated for parking or standing.

(11) Except within a single space marked for such purposes, when parking or standing in an area with marked spaces.

(12) At any place in violation of any posted sign.

(13) In excess of 24 hours, unless permission has been granted by the Security Office.

(b) No person shall park bicycles, motorbikes or similar vehicles in areas not designated for that purpose.

(c) Visitors shall park in areas identified for that purpose by posted signs and shall register their vehicles at the front desk of Erskine Hall, Ruth Building or Fremont Building.

(d) No person, except visitors, shall park a motor vehicle on the Brookmont site without having a valid parking permit displayed on such motor vehicle in compliance with the instructions of the issuing authority.

§ 263.11 Penalties.

(a) Except with respect to the laws of the State of Maryland assimilated under 18 U.S.C. 13, whoever shall be found guilty of violating these regulations is subject to a fine of not more than $50 or imprisonment of not more than 30 days, or both in accordance with 40 U.S.C. 318c. Except as expressly provided in this part, nothing contained in these regulations shall be construed to abrogate any other Federal laws or regulations, or any State and local laws and regulations applicable to the area in which the site is situated.

(b) In addition to the penalties described in subsection (a) of this section, parking privileges may be revoked by the issuing authority for violations of any of the provisions of this regulation.

(c) Any motor vehicle that is parked in violation of this regulation may be towed away or otherwise moved if a determination is made by a uniformed guard that it is a nuisance or hazard. A fee for the moving service and for the storage of the vehicle, if any, may be charged, and the vehicle is subject to a lien for that charge.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

July 28, 1983.

[FR Doc. 83-20680 Filed 8-1-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

34 CFR Part 200

Financial Assistance to Local Educational Agencies To Meet Special Educational Needs of Disadvantaged Children

AGENCY: Department of Education.

ACTION: Final regulations; OMB approval of information collection requirements.

SUMMARY: The Secretary of Education amends Part 200 to display and codify the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements contained in the regulations. The Department must display and codify the control numbers to comply with applicable statutory and regulatory requirements. Publication of these control numbers informs the public that OMB has approved the information collection requirements and that they have taken effect.

EFFECTIVE DATE: August 2, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas W. Fagan, Director, Division of Grants, Policy, and Administration, Compensatory Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 3636, ROB-3), Washington, D.C. 20202. Telephone: (202) 245-9877.

SUPPLEMENTARY INFORMATION: Final regulations for Part 200 were published on November 19, 1982 at 47 FR 52340. At the time of publication of the regulations it was noted that § 200.56 contained information collection requirements under review by OMB. The Secretary promised to publish a notice giving the effective date of § 200.56 by amending the regulations to display the control numbers assigned by OMB.

Display and codification of OMB control numbers is required by OMB under the authority of the Paperwork Reduction Act of 1980. OMB published regulations implementing provisions of the Act concerning collection of information in 5 CFR Part 1320 on March 31, 1983 (48 FR 13666).

Information collection requirements in § 200.56 were approved by OMB on January 18, 1983 and assigned control number 1810-0504.

It is the practice of the Department of Education to provide an opportunity for public comment on regulations. However, the Secretary has determined that public comment is unnecessary under 5 U.S.C. 553(b)(3)(B) because this amendment is technical in nature and will not have a substantive impact.

List of Subjects in 34 CFR Part 200

Education, Education of disadvantaged, Elementary and secondary education, Grant programs—education, Juvenile delinquency, Neglected, Private schools, State-administered programs.

(Catalog of Federal Domestic Assistance No. 84.010, Educationally Deprived Children—Local Educational Agencies)

Dated: July 27, 1983.

T. H. Bell,

Secretary of Education.

The Secretary amends Part 200 of Title 34 of the Code of Federal Regulations as follows:

PART 200—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES TO MEET SPECIAL EDUCATIONAL NEEDS OF DISADVANTAGED CHILDREN

§ 200.56 [Amended]

Section 200.56 is amended by inserting "(Approved by the Office of Management and Budget under control number 1810-0504)" after the citation of authority at the end of the section.

[FR Doc. 83-20825 Filed 8-1-83; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[SW-4-FRL 2409-1]

Hazardous Waste Management Program; Tennessee; Request for Extension of Application Deadline for Interim Authorization, Phase II, Components A, B, and C

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Extension of Application Submission and Interim Authorization Period.

SUMMARY: On July 21, 1983, the State of Tennessee requested extensions of the deadline for submitting a complete Interim Authorization application under the Resource Conservation and Recovery Act of 1976, as amended, for Phase II, Components A and B, until September 15, 1983, and for Phase II, Component C, until October 26, 1983. EPA is granting this extension. One effect of this action is to allow Tennessee to submit its application after July 26, 1983. It also avoids termination on July 26 of the interim authorization which EPA granted previously to the State for the Phase I portion of the hazardous waste program.

EFFECTIVE DATE: July 25, 1983.

FOR FURTHER INFORMATION CONTACT: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Telephone (404) 881-3016.

SUPPLEMENTARY INFORMATION:

Background

40 CFR 271.122(c)(4) (formerly § 123.122(c)(4); 47 FR 32377, July 26, 1982) requires that States which have received any but not all Phases/Components of interim authorization amend their original submissions by July 26, 1983, to include all Components of Phase II. 40 CFR 271.137(a) (formerly § 123.137(a); 47 FR 32378, July 26, 1982) further provides that on July 26, 1983, interim authorizations terminate except where the State has submitted by that date an application for all Phases/Components of interim authorization.

Where the authorization (approval) of the State program terminates, EPA is to administer and enforce the Federal program in those States. However, the Regional Administrator may, for good cause, extend the July 26, 1983, deadline for submission of the interim authorization application and the deadline for termination of the approval of the State program.

Note.—40 CFR Part 123, including the July 26, 1982 amendments (47 FR 32373), was recodified on April 1, 1983, as 40 CFR Part 271 (48 FR 14248).]

Tennessee received Phase I interim authorization on July 16, 1981. However, Tennessee's ability to apply for Phase II, Components A, B, and C, interim authorization before July 26, 1983, was delayed due to legislative changes during the 1983 Tennessee General Assembly and the adoption of land disposal and liability insurance regulations. Tennessee has committed to the following schedule for applying for applying for authorization:

—September 1983—Submit draft application for Component C
—September 1983—Submit final application for Components A and B
—September 1983—Hold a public hearing on proposed land disposal and liability insurance regulations
—October 1983—Request the Tennessee Solid Waste Disposal Control Board to adopt the regulations
—October 1983—Approval of regulations by Tennessee Attorney General
—October 1983—Submit complete application for Component C
—December 1983—Submit draft Final Authorization application

Decision

On July 25, 1983, in consideration of Tennessee's efforts to obtain the necessary legislation and regulations and the impact on the regulated community, I found there was good cause to grant the State's request for the extensions beyond the deadline for applying for Phase II. Therefore, Tennessee must officially submit a complete application for Phase II, Components A, B, by September 15, 1983, and for Phase II, Component C, by October 26, 1983. If the State fails to submit a complete application by these dates, approval of the State program will terminate automatically and administration of the hazardous waste management program will revert to EPA.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indianlands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

(Secs. 2002(a), 3006 and 7004(b), Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6912(a) and 6974(B)))

Dated: July 22, 1983.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 83-20843 Filed 8-1-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[SW-10-FRL 2409-3]

Washington; Phase I and Phase II, Components A and B, Interim Authorization of the State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Approval of State Program.

SUMMARY: Pursuant to Resource Conservation and Recovery Act (RCRA) provisions, the State of Washington has applied for interim authorization Phase I and Phase II, Components A and B. The Environmental Protection Agency (EPA) has reviewed Washington's application for Phases I and II, Components A and B, interim authorization, and has determined that Washington's hazardous waste program is substantially equivalent to the Federal program covered by Phases I and II, Components A and B. The State of Washington is hereby granted interim authorization for Phases I and II, Components A and B to operate the State's hazardous waste program covered by these phases in lieu of the Federal program, except as to Indian lands.

EFFECTIVE DATE: August 2, 1983.

FOR FURTHER INFORMATION CONTACT: Betty Wiese, Waste Management Branch, U.S. EPA, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 442-2857.

SUPPLEMENTARY INFORMATION:

Background

In the May 19, 1980 Federal Register (45 FR 33063), the EPA promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery

Act (RCRA) of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. Included in these regulations, which became effective November 19, 1980, were provisions for a transitional stage in which States would be granted interim program authorization. Interim authorization will be granted in two phases corresponding to the two stages in which the underlying Federal program takes effect.

EPA's Phase I regulations (promulgated May 19, 1980) establish, among other things: the initial identification and listing of hazardous wastes; the standards applicable to generators and transporters of hazardous wastes, including a manifest system; and the "interim status" standards applicable to existing hazardous waste management facilities before they receive permits.

In the January 26, 1981 **Federal Register** (46 FR 7965), EPA announced the availability of portions of the second phase of interim authorization. EPA's decision to make the second phase of interim authorization available in components was based on the desire to proceed with authorizing State programs as expeditiously as possible and because some of the subparts of the Federal regulations containing standards for permitting hazardous waste treatment, storage and disposal facilities (40 CFR Part 264) were promulgated at different times rather than in one single promulgation as originally anticipated. Component A of Phase II contains standards for permitting containers, tanks and certain kinds of surface impoundments and waste piles. Component B contains standards for permitting hazardous waste incinerators.

The Governor of the State of Washington submitted an application to EPA for Phase I and Phase II, Components A and B, interim authorization on May 3, 1982. The State chose not to submit a draft application to EPA in advance of the formal application. EPA conducted an initial review of the application to determine whether it was complete; the EPA found the application to be incomplete, in part because the Attorney General's statement was incomplete. The application, also, did not identify the liability insurance requirements that would apply to permitted facilities. EPA also identified a gap in the described scope and coverage of hazardous waste sources in the State—those energy facilities that are under the jurisdiction of the Energy Facility Site Evaluation Council.

Pending receipt of documents and information to complete the application, EPA conducted a thorough review of the application as submitted to evaluate substantial equivalence with the Federal program. EPA's comments included requests for clarification or assurances regarding how certain aspects of the program would be carried out, as discussed below. To complete the application and to respond to the questions and issues raised by EPA, the State submitted additional information and addenda to its application on September 28, 1982, November 5, 1982, and November 19, 1982, including a completed, signed Attorney General's Statement. EPA determined these materials completed the application.

On December 22, 1982, EPA made the complete application available for public inspection and published a notice in the **Federal Register** inviting the public to comment on the Washington application for interim authorization Phase I and Phase II, Components A and B of the hazardous waste management program at a public hearing to be conducted by Region 10 on January 25, 1983. The notice also invited the public to submit written comments to Region 10 by the close of the public comment period, February 1, 1983. As EPA conducted the formal review of the complete application, some additional questions arose for which further clarifications or assurances from the State were requested. As discussed below, on April 1 and June 20, 1983, EPA received additional assurances from the State to confirm and clarify information contained in the complete application.

Discussion

Washington's application, as initially submitted, demonstrated that the State's program satisfied many of the requirements for a substantially equivalent program. The following is a summary of the major issues identified during the course of EPA's review of the State's application and how the State amended the application to respond to EPA concerns:

1. *The role of the Energy Facility Site Evaluation Council (EFSEC).*

EFSEC pre-empts other State requirements in approving the construction and operation of large energy projects. EPA requested a description of how hazardous waste activity at these facilities would be regulated. In the complete application, the State demonstrated EFSEC's adoption of the hazardous waste regulations of the lead agency, the Department of Ecology (DOE); submitted a Memorandum of Understanding between EFSEC and DOE; provided a discussion of EFSEC's authority to adopt rules; and provided a general description of the EFSEC project certification process. The application included information describing hazardous waste activity at energy facilities. At the present time, hazardous waste activity at energy facilities under EFSEC's jurisdiction is limited to possible intermittent generation at three facilities, but there is no on-site hazardous waste treatment, storage, disposal activity at these facilities. No change in the extent of hazardous waste activity is expected in the foreseeable future. The Authorization Plan was also amended to include commitments for final authorization. In response to EPA's final comments, the State provided additional confirmation of EFSEC authorities to regulate hazardous waste generators and a further description of EFSEC's participation in the State's program. EFSEC also agreed to abide by the terms of the Memorandum of Agreement (MOA) with EPA with respect to their regulation of hazardous waste generators.

2. *Universe of waste regulated.* EPA requested clarification regarding how use of the State's dangerous waste criteria for designation and delisting of waste would assure regulation of a nearly identical universe of waste; how discarded chemicals that are not "off-specification" are regulated; how the State's definition of solid waste provides for regulation of waste that are recycled; and how the extract procedure toxic test methods for pH monitoring are substantially equivalent to EPA's. In the completed application, the State included an addendum comparing the State's criteria with EPA listings; an Attorney General's opinion that discarded chemical products (whether off-specification or not) are subject to the State's regulations; assurances from the DOE regarding authority to regulate recycled wastes; and assurances regarding extract procedure toxic pH monitoring procedures. In response to EPA's final comments, the Attorney General's office also provided an opinion that the State has authority to regulate recycled wastes. The Authorization Plan was amended to include specific commitments to develop necessary data or regulatory amendments to demonstrate equivalent designation and delisting procedures and to amend State regulations to eliminate ambiguity regarding recycled wastes.

3. *Generator/transporter requirements.* EPA requested

clarification regarding the requirement that generators designate on the shipping manifest only permitted or approved facilities when shipping wastes out of state for treatment, storage or disposal; and regarding requirements for transporter responsibilities in the event of spills of hazardous wastes in transit. In the completed application, the State clarified that under its rules, transporters are required to take action in the event of a spill in transit and included MOA assurances regarding requirements for generator designation of permitted facilities. In response to EPA's final comments, the Attorney General stated that the State has the authority to make such MOA commitments. The Authorization Plan was amended to commit to a regulation amendment to assure fully equivalent generator requirements.

4. *Facility standards/permitting procedures.* EPA requested clarification regarding what liability insurance requirements would apply to permitted facilities since State regulations in this regard are very generally stated; and how the State would satisfy the requirement that all RCRA draft permit notices be made public by newspaper publication and radio broadcast. In the complete application, the State provided asssurances in the MOA to apply liability insurance requirements identical to EPA's and to provide both radio broadcast and newspaper publication for all RCRA draft permit notices. In response to EPA's final comments, the DOE included a commitment in the Authorization Plan to amend State regulations to specify liability insurance requirements for permitted facilities.

5. *Statutory/legal authorities.* EPA requested clarification regarding apparent inconsistencies within the State's hazardous waste statute itself and between the statute and its implementing regulations; and clarificaton of authorities for sharing confidential information with EPA, for inspection entry authority and for assuring public participation in the enforcement process. EPA noted that certain statutory language appeared to limit enforcement remedies to program violations involving extremely hazardous waste, a subset of the State's universe of regulated dangerous wastes. In response to EPA's comment, the Attorney General answered that the State has the authority to enforce all program requirements; this opinion was supported by evidence of enforcement actions initiated by DOE. The statutory language in question was recently amended to clearly identify the scope of enforcement authority. In the complete application, the Attorney General also clarified the scope and intent of statutory authorities for sharing information with EPA and authority to enter premises for inspection of records. In the final comments, EPA requested a specific commitment from the State not to oppose intervention by citizen intervenors in civil enforcement actions brought in the State courts. EPA also requested an explanation regarding authorities of the Pollution Control Hearings Board—a State administrative appeals board. To respond to these concerns, the State made an agreement in the MOA not to oppose intervention in State court enforcement proceedings. The Pollution Control Hearings Board initiated rulemaking to the effect that the Board will not modify permits on appeal, but instead will remand to the DOE any permit found invalid.

6. *Indians Lands.* EPA had commented that the State's application as initially submitted did not indicate whether the State was asserting jurisdiction over Indian lands. As indicated in 40 CFR Part 271.121(h) (formerly 40 CFR 123.121(f)), States are not required to have such jurisdiction to qualify for authorization. If such authority is asserted, the State's application must provide an appropriate analysis of the State's authority to do so. As discussed in the preamble to EPA regulations for authorization (45 FR 33378, May 19, 1980), EPA assumes a State lacks authority unless the State affirmatively asserts authority and supports its assertion with an analysis from the State Attorney General. The State of Washington asserted, in the complete application, that upon authorization it could implement the State program on Indian lands. As discussed in more detail below, EPA has concluded the State's assertion is not adequately supported in law or by the analysis provided; therefore, EPA will retain authority for implementing the Federal program on Indian lands.

Scope of Component A, Phase II

As originally promulgated on January 12, 1981, Component A included permitting standards for certain classes of surface impoundments and waste piles used for treatment or storage of hazardous wastes. The State's application for Component A is consistent with those January 12, 1981 rules. On July 26, 1982, as part of the facility standards for land disposal permitting, EPA amended the earlier Component A rules for surface impoundments and waste piles and replaced the previous rules with the amended version in the July 26, 1982 promulgation.

At the same time, EPA announced a policy whereby States that had prepared applications based on the original EPA announcement could proceed under those applications without a change in the application requirements. Where a State, like Washington, has proceeded to the stage of submittal of a complete application prior to the effective date of the amended regulations, the State could be authorized to to issue RCRA permits to the categories of facilities covered by the original component for the limited class of surface impoundments and waste piles used for treatment or storage of hazardous wastes. Therefore, Washington is being granted interim authorization for the limited class of surface impoundments and waste piles consistent with the January 12, 1981 rules.

Response to Public Comments Summary

The public hearing on the Washington application for Phase I and Phase II, Components A and B interim authorization was held by EPA Region 10 on January 25, 1983 in Seattle. The State participated in the hearing at which there were approximately 50 attendees. In addition to a presentation by the State, two other oral statements were made. EPA Region 10 received two additional written comments by the close of the announced public comment period, February 1, 1983. Shortly after the close of the comment period, one additional written comment was received. This comment, like one other, focused on that element of the State's application wherein the State asserted jurisdiction to operate its program on Indian lands.

Of the four comments received within the prescribed comment period (two at the hearing, two in writing), three expressed general or specific support of a State program. The fourth comment (plus the one received late) objected to the State's assertion of jurisdiction over Indian lands. The following is a more detailed summary of the comments received and EPA's resonse to these comments.

One commentor provided a general expression of the need for a State program to operate in addition to the Federal program to help clean up sites which the Superfund program is not reaching. A second commentor expressed qualified support of the State's program and noted that while the State program did not fully satisfy the organization being represented, the State program on the whole is viewed as providing safe and appropriate

management of hazardous waste. This commentor noted that upon approval of the State program, implementation progress would be monitored. A third commentor expressed full support for authorization of the State's program. The fourth commentor objected to the State's assertion of jurisdiction over Indian lands, noting that the State has "to overcome" both Federal and State law in order to achieve such jurisdiction. This commentor, and the one submitting late comments, each asserted the State does not in fact have authority to regulate hazardous waste on Indian lands.

EPA acknowledges the general and specific support of the State's program, but points out that the hazardous waste program being considered has no direct bearing on implementation of current Superfund clean-up activities which are conducted pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, another law. The program being offered by the State will operate in lieu of the EPA regulations under RCRA, although EPA will retain oversight responsibility and back-up enforcement authority. With respect to the expression of qualified support for the State program, EPA encourages citizen overview of authorized programs.

Before public comments were received regarding the issue of State jurisdiction over Indian lands, EPA had concluded that the State's application did not demonstrate adequate legal authority for the State to exercise jurisdiction over Indian lands. Contrary to the State's argument, EPA concludes that RCRA and the act of authorization do not convey to the State any authority relative to Indian lands jurisdiction. Rather, States must independently obtain such authority expressly from Congress or by treaty. The State has not demonstrated such authority and to EPA's knowledge has not been granted such authority; EPA, therefore, will retain jurisdiction for operating the Federal program on Indian lands in the State of Washington.

Decision

I have determined that the Washington State program is substantially equivalent to the Federal program for Phase I and Phase II, Components A and B hazardous waste management, as defined in 40 CFR Part 271, Subpart B (formerly 40 CFR Part 123, Subpart F). In accordance with Section 3006(c) of RCRA, the State of Washington is hereby granted interim authorization to operate its hazardous waste program in lieu of Phase I and Phase II, Components A and B of the hazardous waste program, except with respect to hazardous waste activity on Indian lands which will remain under the Federal program.

Compliance With Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Hazardous materials, reporting and recordkeeping requirements, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Authority

This notice is issued under the authority of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 and Solid Waste Disposal Act Amendments of 1980, 42 U.S.C. 6901 et seq.

Dated: July 18, 1983.

Ernesta B. Barnes,

Regional Administrator.

[FR Doc. 83-20845 Filed 8-1-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6546]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program; California, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

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

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

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

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

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is

subject to procedures set out in OMB Circular A-95.

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

List of Subjects in 44 CFR Part 64

Flood insurance—flood plains.

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

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

§ 64.6 List of Eligible Communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
California: Monterey	Sand City, city of	060435	June 27, 1983, emergency	Dec. 3, 1976.
Arizona: La Paz	Unincorporated areas	040122	June 21, 1983, emergency	
California: Siskiyou	Montague, city of	060451A	June 27, 1983, emergency; June 27, 1983, regular	Mar. 26, 1976 and Sept. 17, 1980.
Florida:				
Gulf	Unincorporated areas	120098B	Aug. 7, 1975, emergency; June 15, 1983, regular; June 15, 1983, suspended; June 24, 1983, reinstated.	Dec. 23, 1977
Gulf	Port St. Joe, city of	120099B	Sept. 11, 1970, emergency; June 15, 1983, regular; June 15, 1983, suspended; June 24, 1983, reinstated.	May 14, 1976 and June 28, 1974.
Nebraska: Deul	Unincorporated areas	310430A	June 28, 1983, emergency	Nov. 1, 1977.
North Dakota: Stark	South Heart, city of	380647A	July 5, 1983, emergency	Apr. 28, 1981.
Wyoming: Fremont	Shoshoni, town of	560078	July 5, 1983, emergency	Aug. 15, 1975.
Alabama: Escambia	Brewton, city of	010072	April 4, 1975, emergency; Dec. 18 1979, regular; Dec. 18, 1979, suspended; July 1, 1983, reinstated.	Dec. 7, 1973 and Dec. 26, 1975.
Pennsylvania: Chester	Franklin, township of	422288	July 6, 1983, emergency	Nov. 29, 1974.
Ohio: Lorain	Avon, city of	390348B	Oct. 23, 1975, emergency; Mar. 1, 1978, suspended; July 12, 1983, reinstated; July 12, 1983, regular	Apr. 12, 1974, Mar. 28, 1975, and June 18, 1980.
Illinois: St. Clair	Lebanon, city of	170629B	Sept. 8, 1975, emergency; July 2, 1983, regular; July 2, 1983, suspended; July 12, 1983, reinstated.	Nov. 16, 1973 and Feb. 27, 1976.
Utah: Utah	Springville, city of	490163C	July 25, 1974, emergency; Sept. 29, 1978, regular; Sept. 29, 1978, suspended; July 12, 1983, reinstated.	Feb. 1, 1974, May 21, 1976, Feb. 5, 1988, and Sept. 22, 1981.
Iowa: Fayette	Wauconma, city of	190381	July 15, 1983, emergency	July 30, 1976.
Kansas: Jefferson	Unincorporated areas	200147A	do.	Aug. 16, 1977.
Oklahoma: Washita	Sentinel, city of	400442	do.	Nov. 12, 1976.
Region II:				
New Jersey: Atlantic	Port Republic, city of	340016B	July 5, 1983, suspension withdrawn	July 16, 1976 and Aug. 23, 1974.
New York:				
Ulster	Ellenville, village of	360975B	do.	June 18, 1976 and May 24, 1974.
Oneida	New Hartford, village of	360536B	do.	Feb. 22, 1974 and May 28, 1976.
Region III:				
Pennsylvania: Yord	Cordorus, township of	421142B	do.	Aug. 2, 1974 and Mar. 26, 1976.
Region IV:				
Georgia:				
Fayette	Unincorporated areas	130432B	do.	Feb. 20, 1976.
Hall	Gainesville, city of	130263C	do.	Aug. 22, 1975 and Jan. 16, 1976 and Mar. 7, 1980.
Newton	Unincorporated areas	130143A	do.	Apr. 23, 1976.
Tennessee:				
Madison	Jackson, city of	470113C	do.	Nov. 1, 1974 and Sept. 2, 1977, Sept. 19, 1980.
Madison	Unincorporated areas	470112	do.	Feb. 3, 1978.
Florida: Broward	Dania, city of	120034C	do.	June 28, 1974 and May 14, 1976, Feb. 15, 1978.
Georgia: DeKalb	Unincorporated areas	130065C	do.	Jan. 30, 1976 and Apr. 15, 1977, May 15, 1980.
Region V:				
Illinois:				
Lake	Lake Zurich, village of	170376B	do.	Mar. 29, 1974 and Apr. 25, 1975.
McHenry	McHenry, city of	170483D	do.	Mar. 29, 1974 and Sept. 24, 1976, Nov. 19, 1980.
Indiana: Grant	Gas City, city of	180075B	do.	July 19, 1974 and Apr. 9, 1976.
Ohio:				
Franklin and Fairfield	Columbus, city of	390170B	do.	Feb.3, 1978 and Aug. 9, 1974.
Franklin	Unincorporated areas	390167B	do.	Feb. 3, 1978.
Belmont	Martins Ferry, city of	390029B	do.	June 2, 1975 and July 16, 1976.
Meigs	Pomeroy, village of	390389B	do.	Feb. 15, 1974 and Apr. 30, 1976.
Belmont	Powhatan Point, village of	390030B	do.	Feb. 15, 1974 and Aug. 29, 1975.
Meigs	Syracuse, village of	390391B	do.	Apr. 5, 1974 and June 11, 1976.
Wisconsin: Sheboygan	Plymouth, city of	550428A	do.	Nov. 1, 1974.
Region IX:				
Arizona: Yuma	Yuma, city of	040102B	do.	Apr. 12, 1974 and Nov. 19, 1976.

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

Issued: July 26, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-20725 Filed 8-1-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 82-825; RM-4226]

FM Broadcast Station in Hamlin and Anson Texas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 279 to Hamlin, Texas, in response to a petition filed by Grande Broadcasting Company. Additionally, Channel 252A is substituted for Channel 276A at Anson, Texas. This action allows Hamlin, Texas to have its first FM assignment.

EFFECTIVE DATE: September 19, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order—Proceeding Terminated

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Station (Hamlin and Anson, Texas); MM Docket No. 82-825, RM-4226.

Adopted: June 23, 1983.
Released: July 20, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 48 FR 842, published January 7, 1983, proposing the assignment of Class C Channel 279 to Hamlin, Texas, as that community's first FM assignment. The *Notice* also proposed the substitution of Channel 252A for unused Channel 276A at Anson, Texas.[1] This substitution is necessary because the assignment of Channel 279 to Hamlin would be short-spaced by approximately 48 miles to Channel 276A in Anson. In addition, a site restriction of 6.8 miles southwest is required in order to avoid short-spacing to Channel 279 at Anadarko, Texas. Petitioner submitted comments in support of the *Notice* and expressed its interest in applying for the channel, if assigned. No opposing comments were received.

2. The Commission has determined that the public interest would be served by assigning Class C Channel 279 to Hamlin, Texas, since it could provide a first FM service to Hamlin, and substituting Channel 252A for unused Channel 276A at Anson, Texas.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b), and 0.283 of Commission's Rules, it is ordered, that effective September 19, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, is amended, with respect to the communities listed below.

City	Channel No.
Anson, Texas	252A
Hamlin, Texas	279

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

5. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau (202) 634-6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-20711 Filed 8-1-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-716; RM-4102; RM-4140]

TV Broadcast Services in Anchorage and Seward, Alaska; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns VHF television Channel 5 to Anchorage, Alaska, as its fifth commercial television channel, in response to a request by Pioneer Broadcasting Company, Inc. The assignment of a noncommercial educational channel as previously requested by the State of Alaska has been dismissed for lack of interest.

EFFECTIVE DATE: September 19, 1983.

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order (Proceeding Terminated)

In the matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Anchorage and Seward, Alaska); BC Docket No. 82-716, RM-4102, RM-4140.

Adopted: June 29, 1983.
Released: July 21, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it the *Notice of Proposed Rule Making* herein published in the **Federal Register** on November 1, 1982 (47 FR 49416). The *Notice* proposed two optional assignment plans. Option I proposed to assign VHF TV Channel 5 for commercial use and VHF TV Channel 9 for noncommercial use at Anchorage, Alaska. Option II proposed to reserve Channel 5 and permit the use of Channel 9 on a commercial basis. The proposal was in response to petitions by the State of Alaska ("State") for the assignment of a noncommercial educational channel in Anchorage and by Pioneer Broadcasting Company, Inc. ("Pioneer") [1] for the assignment of a commercial channel in Anchorage.

2. Comments were filed by State; Alaska Public Broadcasting Commission ("APBC"); the City of Seward ("Seward"); Alaska Public Television ("APT"); Alaska 13 Corporation ("KIMO") [2]; Channel 2 Broadcasting Company ("KTUU-TV") [3]; and Pioneer. Further comments or reply comments were filed by State; APBC; APT; Northern Television, Inc. ("KTVA") [4]; KIMO; KTUU-TV; and Pioneer.

[1] An application for Channel 276A was recently filed by Lilly Amador (830314AT). The application can be amended to specify Channel 252A instead.

[1] Licensee of Station KFQD (AM) and permittee of Station KWHL (FM) in Anchorage.

[2] Licensee of Station KIMO (TV) in Anchorage.

[3] Licensee of Station KTUU-TV in Anchorage.

[4] Licensee of Stations KTVA (TV), KBYR(AM) and KNIK-FM, Anchorage, KCBF (AM) Fairbanks, and permittee of a new AM station in Valdez, Alaska.

3. All parties which had previously expressed an interest in a noncommercial educational assignment in Anchorage, *i.e.* State, APBC and APT, have withdrawn that interest. Accordingly, further consideration is given only to the use of Channel 5 or Channel 9 on a commercial basis in Anchorage. Anchorage (population 173,017) [5], located in south central Alaska, is currently served by five VHF television stations, as follows: KTTU–TV, (Channel 2); KTBY (CP issued), (Channel 4); KAKM (Channel *7); KTVA, (Channel 11); and KIMO (Channel 13). Anchorage is described as the center of commerce for an area extending approximately 800 miles to the west. It is reported to prosper as a retail sales market, increasing in excess of 20% per year between 1978 and 1980, to over one billion dollars.

Waiver Matter

4. The assignment of Channel 5 is supported by Pioneer and KTVA and opposed by KIMO and KTUU–TV. KIMO contends that Pioneer, as the licensee of an AM Station (KFDQ) and permittee of a new FM station in Anchorage, is not eligible to apply for an additional broadcast station in Anchorage, absent a waiver of § 73.636(a)(1) of our "one-to-a-market" rule barring a grant of a television license to any party owning an AM or an FM station in the same community. KIMO asserts that the proponent of a channel allocation in the amendment of the Television Table of Assignments, § 73.606(b), must be willing and ready to apply for authorization to operate on the channel[6] which Pioneer is not.

5. KTUU–TV also notes that Pioneer's operation of a television station in Anchorage would be in violation of § 73.636(a)(1) of our Rules; and that, since Pioneer looks toward filing for a waiver of the "one-to-a-market" rule, KTUU–TV sets out why it believes Pioneer is not eligible for the waiver. The reasons include the precedent that would be established in derogation of the Commission's ownership policy without an offsetting benefit to the public; and that no showing is made of a need to reach a previously unserved area. Citing *Commercial Radio Institute, Inc.* 47 R.R. 2d 1307 (Rev. Bd. 1980); *Central Broadcasting Corporation* (Defiance Communication, Inc.), FCC 82–505, November 13, 1982. KTUU–TV states that favorable action on Pioneer's request for assignment of an additional channel to Anchorage would be a tacit recognition of Pioneer's qualifying as an applicant for the channel. KTUU–TV adds that such recognition would in turn acknowledge that any other Anchorage station owner—AM, FM or TV station owner—would be eligible to obtain a similar waiver of the multiple ownership rules.

6. KTVA states that it supports Pioneer's efforts to obtain a waiver of the "one-to-a-market" rule and believes that the assignment of VHF Channel 5 to Anchorage is in the public interest. KTVA, as licensee of Stations KTVA–TV, KBYR–AM and KNIK–FM, Anchorage, and KTVF–TV and KCBF–AM, Fairbanks, and permittee of a new AM station in Valdez, Alaska, advocates a marketplace regulatory framework founded on the concept of open-entry and free enterprise. KTVA submits that, as a general matter, the one-to-a-market restriction, based on the need for diversity, is outmoded in today's telecommunications environment with its proliferation of video services. KTVA asserts that the Commission has a long-standing recognition of the uniqueness of Alaskan broadcasting and has undertaken efforts to fashion rules and to authorize waivers to meet Alaska's special needs. KTVA states that specific precedent for waiver of the one-to-a-market rule in Alaska exists citing *KINY Associates*, 50 R.R. 2d 981 (1981).

7. Pioneer states that it has not applied for a waiver of the one-to-a-market rule because to do so at this time and in the context of this rule making proceeding would be premature and inappropriate. Pioneer states further that it has indicated its intention to apply for authorization to operate on Channel 5 if it is assigned to Anchorage and to seek a waiver of § 73.636(a)(1) at the time. Pioneer adds that the Commission has in the past recognized the special nature of Alaska broadcasting and granted waivers of the one-to-a-market rule in at least two cases in Alaska. See *KINY Associates, supra.* and *Evangelistic Missionary Fellowship*, 75 F.C.C. 2d 724 (1980) (North Pole, Fairbanks, Alaska).

8. We reject the argument that absent a waiver of § 73.636(a)(1) Pioneer is an unqualified proponent for assignment of Channel 5 to Anchorage. A petitioner for an amendment of the TV Table of Assignments, § 73.606(b), is required to "restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly." (Par. 2, APPENDIX, *Notice of Proposed Rule Making* herein). Pioneer has so stated. We consider the stated intention as no different from the language of "willing and ready to apply for the authorization" cited by KIMO in *Montgomery, Selma, and Tuscaloosa, Alabama, and Columbus, Georgia*, 51 R.R. 2d 57, 62. We have no reason to question or reject Pioneer's stated intention. Accordingly, we have no reason to hold that Pioneer is an unqualified proponent of the Channel 5 assignment. Our finding that a petitioner has met the requirement of intention to apply for and build a station on a channel is not to be construed as a determination that an application which a petitioner later submits is to be granted. Such an application and any request for waiver must be considered on the merits in the application processing stage. They are outside the scope of a rule making proceeding. Thus, the matter of a waiver which Pioneer will seek is not germane to this proceeding. We give no consideration here to the merits of whether or not a future waiver request by Pioneer should be granted. Thus, Pioneer's need for a waiver is not a fatal defect to disqualify it from proposing the channel assignment.

Economic Injury

9. KIMO and KTUU–TV also urge that Channel 5 should not be assigned to Anchorage because the market is already well-served. They point out that Anchorage has three commercial television stations, a permittee for a fourth, and one public television station. They add that Anchorage also has a cable television system and an MDS station (Multipoint Distribution Service). KIMO states that the increased competition could be devastating. KTUU–TV asserts that the market is diverse and competitive and does not require the addition of a channel which would be potentially anticompetitive.

10. Pioneer responds that the claims of economic injury are unfounded. Pioneer states that pursuant to *Carroll Broadcasting Company* v. *FCC*, 258 F. 2d 440 (D.C. Cir. 1958), the burden of proof on the existing licensee alleging harm from new competition is a heavy one, which KIMO and KTUU–TV have not met. Pioneer asserts that, moreover, the

[5] Population figures are derived from the preliminary 1980 U.S. Census Reports.

[6] See *Montgomery, Alabama, et al.* 51 R.R. 2d 57, 62 (1982).

Commission has uniformly held that a *Carroll* issue is inappropriate in a rule making proceeding to amend the table of assignments. *Glendive, Montana*, 16 F.C.C. 2d 733, 739 (1967); *Colby, Kansas*, 8 R.R. 2d 1715, 1716 (1967). We agree.

11. Economic impact is an issue to which consideration is given not at the rule making stage but at the application stage. In addition to the cases cited by Pioneer, see *Sanger, Clovis, Visalia and Fresno, California*, 49 R.R. 2d 579 (1981); *Beaverton, Michigan*, 44 R.R. 2d 55 (1978); *Hay Springs, Nebraska*, 42 R.R. 2d 1673 (1978); and *Grand Junction, Colorado*, 26 R.R. 2d 513 (1973). The decision in Grand Junction held that any economic impact on the public interest can be better evaluated in passing upon an applicant's proposed use of the new assignment.

Cross Subsidization

12. KTUU–TV asserts that Pioneer would be in a position to cross-subsidize operation of the proposed television station through its AM and FM stations; and that the long-standing policy of the Commission has been to discourage such a potentiality. *Brown Broadcasting Co., Inc.*, 8 R.R. 2d 55 (Rev. Bd. 1966). KTUU–TV also states that multiple ownership situations enabling joint economies of operation have been permitted where broadcast service was threatened by a depressed economy, but that this reasoning is not applicable to Pioneer's situation in the Anchorage market. *Central Broadcasting Co., Inc.*, 21 R.R. 2d 482 (1971). We point out that both cases involved determinations at the application stage, not in a rule making proceeding. The cross-subsidization question raised here by KTUU–TV is inappropriate in a rule making proceeding and would be more properly raised at the application stage in connection with the matter of economic injury. See par. 11, *supra*.

Preclusion

13. KIMO and KTUU–TV contend that the assignment of Channel 5 to Anchorage may prevent other communities within the 190 mile radius of Anchorage from having their own VHF broadcast service; and that the Commission should resist assigning an additional channel to Anchorage until it can be determined whether another location will require the channel. Pioneer asserts that no data whatsoever are offered to show that the assignment of Channel 5 to Anchorage would preclude any other community in Alaska from having numerous local television outlets. We agree and conclude that their contention is too speculative for any probative value.

Reservation

14. Although withdrawing from the proceeding, APT suggests that Channel 9 be assigned to Anchorage and reserved for future noncommercial educational use. APT states that it may some day be in a position to apply for and operate a station on the channel. Our long-standing policy is to base channel assignments upon a present demand for use of the channel. We believe that assignment of a reserved channel in Anchorage should be considered in light of the situation which obtains at the time a demand is shown for such use.

15. Accordingly, in view of the above, it is ordered, that effective September 19, 1983, § 73.606(b) of the Commission's Rules, the TV Table of Assignments, is amended with regard to the following community:

City	Channel No.
Anchorage, Alaska	2, 4, 5, *7-, 11, 13-.

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

17. It is further ordered, That this proceeding is terminated.

18. For further information concerning the above, contact Philip S. Cross, Mass Media Bureau, (202) 632–5414.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-20712 Filed 8-1-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 83

Oversight of the Maritime Service Rules

CFR Correction

In the October 1, 1982 revision of Title 47 (Part 80-end) of the Code of Federal Regulations, certain entries in the table to § 83.359(a) were incorrect.

The table in paragraph (a) is corrected by revising the ship frequency of channel designator 63, under "port operations", and by revising the ship and the coast frequency of channel 67, under "navigation", as shown below.

§ 83.359 Frequencies in the band 156–162 MHz available for assignment.

(a) * * *

		PORT OPERATIONS		
*	*	*	*	*
63		156.175	156.175	Do.
*	*	*	*	*
		NAVIGATIONAL		
*	*	*	*	*
67		156.375	156.375	Do.
*	*	*	*	*

BILLING CODE 1505-01-M

47 CFR Part 90

Private Land Mobile Radio Services; Amendment to the Commission's Rules Pursuant to Its Unregulatory Program; Correction

Correction

In FR Doc. 83–19532 beginning on page 33000 in the issue of Wednesday, July 20, 1983, make the following correction:

1. On page 33000, third column, § 90.73(c), the frequency table, under megahertz, "72.76" should have read "72-76".

2. On page 33001, first column, § 90.75(b), the frequency table, the limitations for 465.975 and 466.000 megahertz should have both read "1, 2, 28, 39".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Republication of the Lists of Endangered and Threatened Species

Correction

In FR Doc. 83–17213 beginning on page 34182 in the issue of Wednesday, July 27, 1983, make the following corrections:

1. On page 34184, the entry for "Deer, Bawean", under the column designated "Scientific name", the word "*Ceruus*" should read "*Cervus*".

2. On page 34191, the entry for "Turtle, three-keeled Asian", under the column designated "Scientific name", "*Geoemyda-Nicoria*" should read "*Geoemyda, Nicoria*".

3. On page 34195, under the column designated "Common name", the twenty-second entry should read "' Ewa Plains' akoko".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 30711-133]

Foreign Fishing, Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Final rule.

SUMMARY: NOAA issues a final rule to implement Amendment 7 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. The amendment: (1) Alleviates some of the restrictive measures placed on foreign longline fleets in order to provide them with ample opportunity to harvest their groundfish allocations, and (2) provides an incentive to foreign longline vessels to minimize their incidental take of Pacific halibut, a prohibited species in the foreign groundfish fisheries.

EFFECTIVE DATE: August 31, 1983.

ADDRESS: Copies of the amendment and the environmental assessment may be obtained by contacting the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510, 907-274-4563.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, 907-586-7230.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) was implemented on January 1, 1982 (46 FR 63295, December 31, 1981), by the NOAA Assistant Administrator for Fisheries (Assistant Administrator) under authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). Eight amendments to the FMP have been adopted by the North Pacific Fishery Management Council (Council). Four of those amendments have been implemented: Amendments 1a and 2 (47 FR 1295), Amendment 4 (48 FR 21336), and Amendment 3 (48 FR 24719).

Under the original FMP, foreign longline vessels were prohibited from fishing landward of the 500 meter depth contour in the Winter Halibut Savings Area (WHSA) from December 1 through May 31. This provision was intended to protect juvenile Pacific halibut when they concentrate in the WHSA during winter months. Amendment 7 alleviates this restriction on the foreign longline fishery until the total incidental catch of Pacific halibut by foreign longline vessels in the Bering Sea and Aleutian Islands area reaches 105 metric tons (mt) during the 12-month period of June 1 through May 31. At that time or on December 1, whichever comes later, the 500 meter depth restriction on foreign longline vessels in the WHSA will be reimposed. Thus, if the incidental catch of Pacific halibut by foreign longline vessels in the Bering Sea and Aleutian Islands area reaches 105 mt between June 1 and November 30, the WHSA will be closed to foreign longline fishing landward of the 500 meter depth contour for the 6-month period December 1 through May 31. If the incidental catch limit of 105 mt is reached between December 1 and May 31, the restriction will be reimposed for whatever remains of that 6-month period.

This action is being taken in view of the relatively small absolute catch of Pacific halibut by foreign longline vessels and the low mortality of those halibut that are caught. The 500 meter depth restriction was maintained by the Council because the incidence of Pacific halibut per metric ton of groundfish is much higher in waters shallower than 500 meters. The 105 mt catch limit is 75 percent of the average 1978-81 take of Pacific halibut by foreign longline vessels in the Bering Sea and Aleutian Islands area. The 25 percent reduction in halibut by-catch was chosen by the Council as a compromise between the Council's objective of limiting the catch of Pacific halibut in foreign groundfish operations and a target level of halibut by-catch that representatives for the Japanese longline industry felt was attainable and would not put undue constraint on foreign longline operations.

In order to avoid grounds preemption problems and gear conflicts, foreign longline fleets have historically fished in the WHSA during winter months when foreign trawl operations are prohibited in this area. The 12-month limit, June 1 through May 31, on Pacific halibut interceptions in foreign longline operations implemented by this amendment (105 mt) should provide an incentive to foreign longline vessels to keep their Pacific halibut catch below the 105 mt level so that they may continue their longline operations in the WHSA throughout their traditional winter fishery, December 1 through May 31. Representatives for the Japanese longline industry have indicated that the 105 mt Pacific halibut catch limit should not be so burdensome as to prevent foreign longline fleets from catching their groundfish allocations.

The preamble to the proposed rule (48 FR 21978; May 16, 1983) further discussed the need and justification for Amendment 7. The preamble also solicited public comment on the lack of a procedure for the apportionment of the 105 mt Pacific halibut limit among foreign longline nations and whether or not holding foreign longline nations accountable for their Pacific halibut catch in the entire management area as of June 1, 1983, would create hardship given the August 31, 1983, effective date of the amendment. Public comments were invited until June 24, 1983. Public comments received have been considered and are responded to below. After considering the comments, the Director of the National Marine Fisheries Service, Alaska region (Regional Director), has decided to give final approval to Amendment 7 and to implement it by final rule.

The final rule incorporates the following two changes to paragraph (c)(3)(ii) of the proposed regulations. First, language is added to clarify that the closure under Amendment 7 is triggered only after December 1, regardless of when the 105 mt Pacific halibut limit is reached. Second, closure notification procedures are added as a cross reference to § 611.15(c).

Public Comments

1. *Comment:* The Japanese North Pacific Longline-Gillnet Association (NPL) does not perceive any significant difficulties arising from the fact that Amendment 7 does not apportion the 105 mt halibut by-catch quota among the various countries operating longline fleets in the Bering Sea. At the present time, only Japan and Korea conduct longline operations in this area and representatives for those nations have successfully coordinated the fishing effort of their respective fleets in the past and no significapt problems are contemplated in coordinating those efforts in the future insofar as the 105 mt halibut by-quota is concerned. If such efforts prove unsuccessful, or if the number of foreign longline vessels operating in the Bering Sea increases substantially, then it may be necessary to devise some sort of formal allocation procedure. At the present time, however, such a procedure would not seem to be necessary and no significant problems are aniticipated.

Response: Comment noted.

2. *Comment:* The NPL has no objection to being held accountable for all Pacific halibut caught since June 1, 1983, even though Amendment 7 will not be implemented until late summer 1983. Such an approach avoids the difficulties

which might otherwise be encountered in trying to allocate a certain portion of the 105 mt limit of Pacific halibut for the months remaining in the fishing year after the amendment is implemented. Under the circumstances, beginning the count on June 1 would appear to be the simplest, most straightforward approach, and one which is consistent with the purpose and intent of the amendment.

Response: Comment noted.

3. *Comment:* To whatever extent Pacific halibut abundance in the Bering Sea increases, there will be a corresponding and largely unavoidable increase in the by-catch of this species. Thus, although the 105 mt limit is adequate to accommodate longline by-catch requirements at current abundance levels, continued increases in the halibut stocks may require the Council to reassess the 105 mt by-catch limit at some point in the future. At the present time, however, the 105 mt longline by-catch limit appears to be adequate and should not prevent foreign longline fleets from harvesting their groundfish allocations.

Response: Comment noted. The Council will reassess the impact of the 105 mt halibut by-catch limit on foreign longline fleets if the abundance of Pacific halibut changes significantly from the present and longline fleets are no longer able to operate under the by-catch limit implemented under Amendment 7.

Classification

The Regional Director has determined that Amendment 7 is necessary for the conservation and management of the Bering Sea and Aleutian Islands area groundfish fishery and that it is consistent with the Magnuson Act and other applicable law.

The Council prepared an environmental assessment for this amendment and concluded that there will be no significant impact on the human environment as a result of this rule. You may obtain a copy of the environmental assessment from the Council at the address listed above.

The NOAA Administrator has determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The General Counsel of the Department of Commerce has also certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities and will not necessitate the preparation of a regulatory flexibility analysis. Both of these actions were based on the analysis presented in the environmental assessment on the impacts of the final rule on the socioeconomic environment. This analysis was summarized in the preamble to the proposed rule at 48 FR 21978. You may obtain a copy of the environmental assessment from the Council at the address listed above.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of the State of Alaska. The State Division of Policy Development and Planning has concurred in this determination.

List of Subjects in 50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting and recordkeeping requirements.

Dated: July 28, 1983.

Carmen J. Blondin,

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

For reasons set out in the preamble, 50 CFR Part 611 is amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

2. Section 611.93 is amended by revising paragraph (c)(3)(ii) to read as follows:

§ 611.93 Bering Sea and Aleutian Islands groundfish fishery.

* * * * *

(c) * * *

(3) * * *

(ii) When U.S. observer information or other reliable reported statistics indicate that foreign longline vessels have intercepted 105 mt of Pacific halibut in the entire management area during the 12-month period June 1 through May 31, the Regional Director shall prohibit further longlining by foreign vessels from that day forward or from December 1, whichever comes later, through May 31, in waters less than 500 meters deep in the area designed under paragraph (c)(2)(ii)(C) of this section. Notice of this prohibition will be given according to procedures specified in § 611.15(c).

[FR Doc. 83-20919 Filed 8-1-83; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 662

[Docket No. 30712-130]

Northern Anchovy Fishery

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

ACTION: Final rule.

SUMMARY: NOAA issues notice that Amendment 4 to the Northern Anchovy Fishery Management Plan (FMP), is approved and issues this final rule to implement the amendment. These regulations (1) eliminate the minimum size limit for anchovies, (2) institute a minimum mesh size for the reduction fishery to be effective April 1, 1986, and (3) prescribe a reserve of the reduction harvest quota that would be withheld if scientific evidence demonstrates that the original biomass estimate was too high. The respective reasons for these measures follow: (1) Alleviate the economic hardship imposed on the reduction fishery during times when mature anchovies are predominantly less than five inches in total length; (2) prevent the fishery from adopting smaller mesh sizes than are not commonly used, while providing the few non-conforming operating in the fishery conservation zone off California and to compensate for current uncertainties in biomass estimates.

EFFECTIVE DATE: August 15, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Rodney McInnis (Acting Chief, Fisheries Management Division), 213-548-2518.

SUPPLEMENTARY INFORMATION: An initial notice of approval and availability of Amendment 4 to the FMP and proposed rules to implement the amendment were published in the **Federal Register** on April 25, 1983 (48 FR 17627). Comments on the proposed rule were invited until June 9, 1983. The rationale for approving Amendment 4 was given in the preamble to the proposed rules. During the comment period two provisions of the proposed amendment—the elimination of the size limit and the inclusion of reserve quota procedures—were implemented by emergency action in order to avoid economic hardship in the reduction fishery during its spring season. The emergency rule was published May 18, 1983, and is effective until August 15, 1983 (48 FR 22301).

No comments were received on the proposed rule. However, two technical changes are being made in the final rules to clarify the intent of the amendment. The first change adds the

date April 1, 1986, to the minimum mesh-size restrictions in § 662.5(c) and to general restrictions in § 662.8. Although the effective date for authorized fishing gear did not appear in the proposed regulations, the intent to delay the mesh-size requirement was stated in the amendment and the preamble to the proposed regulations. The delayed effectiveness of the minimum mesh-size requirement will allow fishermen ample proposed regulations, the intent to delay the mesh size requirement was stated in the amendment and the preamble to the proposed regulations. The delayed effectiveness of the minimum mesh-size requirement will allow fishermen ample time to replace any nets that may not comply at present. The second change deletes the size limit specified for non-reduction purposes other than bait in § 662.6(b). No exceptions to the elimination of the size limit were intended. The proposed regulations did not specifically delete the size limit for the non-bait, non-reduction fishery even though they did remove the prohibition on landing undersized anchovies from the general restrictions [§ 662.8(b)].

Classification

The NOAA Assistant Administrator for Fisheries has determined that this amendment to the FMP and the proposed implementing regulations comply with the national standards, other provisions of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and other applicable laws.

Concurrence with the Agency's determination of consistency with the California Coastal Zone Management plan was requested on December 29, 1982, from the California Coastal Commission. No objection was received.

An Environmental Assessment (EA) was filed with the Environmental Protection Agency on February 25, 1983. The EA concludes that implementation of this amendment would not have a significant effect on the environment. The optimum yield specified in the FMP remains unchanged. The environmental impacts are positive because the amendment is designed to reduce waste of undersized anchovy, increase efficiency of the reduction fishery, and permit in-year decrease of the reduction harvest quota in light of a revised biomass estimate.

Based on a regulatory impact review, the Administrator of NOAA has determined that the regulations implementing this amendment are not major under Executive Order 12291 and do not require a regulatory impact analysis. These regulations are designed to provide conservation safeguards and increase the efficiency of the anchovy reduction fishery in achieving optimum yield without significant adverse impact. Those few fishermen not now in compliance will have ample opportunity (three years) to comply with the mesh size requirements. In addition, fishermen will not have to dump catches of anchovy that do not meet the current size limit, and government agencies will realize reduced enforcement costs.

The General Counsel of Commerce certified that the regulations implementing this amendment will not have a significant economic impact on a substantial number of small entities; therefore, no regulatory flexibility analysis is required under provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The regulations do not require any new "collection of information" as defined in the Paperwork Reduction Act (44 U.S.C. 4501 *et seq.*); therefore, requirements of the Paperwork Reduction Act do not apply to this action.

If these regulations are not effective on August 15, 1983, there will be a lapse in the current regulations and fishermen fishing in subarea A (where the season opens on August 1) would be unnecessarily burdened and confused and their fishing disrupted by a temporary reversion to regulations already changed by the emergency rulemaking. To avoid such a lapse the Assistant Administrator finds for good cause that it would be contrary to the public interest to delay the effective date of these regulations for the full 30-day comment period otherwise required under section 553(d) of the Administrative Procedure Act. Consequently, these regulations are effective August 15, 1983.

List of Subjects in 50 CFR Part 662

Fish, fisheries, fishing.

Dated: July 28, 1983.

Carmen J. Blondin,

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

PART 662—NORTHERN ANCHOVY FISHERY

For the reasons stated in the preamble, 50 CFR Part 662 is amended as follows:

1. The authority citation for 50 CFR Part 662 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 662.3, paragraph (f) is added to read as follows:

§ 662.3 Quota.

* * * * *

(f) Reduction harvest quotas derived according to the procedure in paragraphs (a) through (d) of this section will be allocated in two halves. The first half will be released at the beginning of the open season. When 25 percent of the total reduction harvest quota has been landed, but not later than February 1, the Regional Director will issue a public notice of the intent to release the second half and will provide the opportunity for the submission of evidence that the second half should not be released. The Regional Director will consult with the California Department of Fish and Game (CDF&G) and the Pacific Fishery Management Council (Council). He will not release the second half of the reduction quota if documented indices of anchovy abundance indicate that the anchovy spawning biomass would fall below one million short tons (expressed in terms of a larva census or equivalent) if continued harvest in U.S. waters were allowed. The second half of the reduction harvest quota will be released no later than April 1 if no evidence is submitted or if the Regional Director, in consultation with the CDF&G and the Council, determines that the evidence is insufficient to warrant withholding the second half of the reduction harvest quota.

3. In § 662.5, paragraph (c) is revised to read as follows:

§ 662.5 Reduction fishery.

* * * * *

(c) *Minimum mesh size.* Beginning on April 1, 1986, authorized fishing gear for the reduction fishery means round haul nets, including purse seines and lampara nets, which have a minimum wet mesh size of 19/16 of an inch, except that the bag portion of a purse seine when wet must have a minimum mesh size of 5/16 of an inch. The bag portion of a purse seine must be constructed as a single unit and must not exceed 12.5 percent of the total area of the net. Minimum mesh-size requirements are met if a stainless steel wedge can be passed with thumb pressure only through 16 of 20 sets of two meshes each of wet mesh.

* * * * *

§ 662.6 [Amended]

4. In § 662.6, paragraph (b) is removed and paragraphs (c) and (d) are redesignated as paragraphs (b) and (c), respectively.

5. In § 662.8, paragraph (b) is revised to read as follows:

§ 662.8 General restrictions.

* * * * *

(b) Beginning on April 1, 1986, no person shall take, retain, or land anchovies for reduction purposes unless they are taken with fishing gear authorized in § 662.5(c).

* * * * *

[FR Doc. 83-20620 Filed 8-1-83; 8:45 am]
BILLING CODE 3510-22-M

---

50 CFR Part 647

[Docket No. 30718-131]

High Seas Salmon Fishery off Alaska

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

ACTION: Final rule.

SUMMARY: NOAA issues a final rule to rescind the present prohibition against the use of treble hooks by commercial salmon trollers fishing in the fishery conservation zone off Alaska. The rule is necessary to bring Federal and State regulations into conformity and make Federal regulations more easily enforceable. This action will provide for an orderly fishery and remove an unnecessary regulatory burden from salmon trollers in Alaska.

EFFECTIVE DATE: This rule is effective July 28, 1983.

FOR FURTHER INFORMATION CONTACT: William L. Robinson (Regional Plan Coordinator, NMFS), 907-586-7229.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan (FMP) for the High Seas Salmon Fishery off the Coast of Alaska East of 175° East Longitude governs salmon fishing in the fishery conservation zone (FCZ) off Alaska. Regulations implementing Amendment 2 to the FMP, which were published in 1981, prohibited the use of treble hooks for commercial salmon fishing in the FCZ (50 CFR 674.24).

Treble hooks were prohibited for two reasons. First, there was concern that fishermen using arguably more efficient treble hooks might catch and release a greater number of sublegal chinook salmon than those using single hooks, thus increasing the incidence of hook-and-release mortalities. Second, the prohibition was imposed to avoid conflicting regulations in Federal and Stalte waters and the resulting enforcement difficulties in both areas. The State of Alaska also prohibited the use of treble hooks in State waters in 1981.

The North Pacific Fishery Management Council (Council) and Alaska State Board of Fishery (Board) reviewed the treble hook prohibition in January 1983. Since the use of treble hooks had been prohibited, no scientific data had been developed demonstrating that prohibiting their use resulted in any measurable biological benefits. The majority of public testimony emphasized that the ban lacked scientific justification and that it imposed an unjustified regulatory burden on those fishermen who traditionally used treble hooks. Consequently, the Board removed the ban in State waters. Due to the lack of conclusive scientific evidence supporting retention of the ban and the desire for conformity between State and Federal regulations, the Council also recommended rescinding the treble hook ban in the FCZ.

Response to Comments

No comments were received on the proposed rule (48 FR 24751; June 2, 1983) during the comment period that ended July 5, 1983.

Classification

The Assistant Administrator of Fisheries, NOAA (Assistant Administrator), has determined that this final rule is consistent with the FMP, the national standards and other provisions of the Magnuson Fishery Conservation and Management Act, and other applicable law.

An environmental assessment and negative determination of significant environmental impact was prepared on the proposed rule and was filed with the Environmental Protection Agency on April 12, 1983.

The proposed rule was published with a determination that the action was not major with respect to Executive Order 12291.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities. A summary was published at 48 FR 24752. As a result, a regulatory flexibility analysis was not prepared.

The Assistant Administrator has determined that this proposed rule is consistent to the maximum extent practicable with the Alaska Coastal Management Program as required by section 307(c)(1) of the Coastal Zone Management Act of 1982 and its implementing regulations at 15 CFR Part 930, Subpart C.

This final rule does not contain a collection of information requirement within the meaning of the Paperwork Reduction Act of 1980.

This rule relieves a restriction and therefore is made effective immediately, under the exception provided by section 553(d)(1) of the Administrative Procedure Act.

List of Subjects in 50 CFR Part 674

Administrative practice and procedure, Fish, Fishing, Reporting and recordkeeping requirements.

Dated: July 28, 1983.

Carmen J. Blondin,

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

For reasons set out in the preamble, 50 CFR Part 674 is amended as follows:

PART 674—HIGH SEAS SALMON FISHERY OFF ALASKA

1. The authority citation for Part 674 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

§ 674.24 [Amended]

2. Section 674.24 is amended by removing paragraph (a)(4).

[FR Doc. 83-20640 Filed 7-28-83; 2:08 pm]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 149
Tuesday, August 2, 1983

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

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Issuance of Quarterly Report on the NRC Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of NRC Regulatory Agenda.

SUMMARY: The Nuclear Regulatory Commission has issued the June 1983 Regulatory Agenda. The Agenda, which is a quarterly summary of all rules on which the NRC has proposed or is planning action and all petitions for rulemaking which have been received and are pending disposition by the Commission is issued to provide the public with information regarding NRC's rulemaking activities.

ADDRESS: A copy of this report, designated NRC Regulatory Agenda (NUREG–0936) Vol. 2, is available for inspection and copying at a cost of five cents per page at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Single copies of the report may be obtained at a cost of $6.00 payable in advance from the NRC/GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, Telephone (301) 492–7086, Toll free number (800) 368–5642.

Dated at Bethesda, Maryland this 26th day of July 1983.

For the Nuclear Regulatory Commission.

J. M. Felton,
Director, Division of Rules and Records, Office of Administration.

[FR Doc. 83–20814 Filed 8–1–83; 8:45 am]
BILLING CODE 7590–01–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Procedures of the Office of Hearings and Appeals for Determining Appeals of Size Status and Product or Service Classifications

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: SBA is proposing to amend its procedural regulations concerning size determination and product or service classification appeals. These changes are being proposed in order to accommodate the shift of size appeals decisionmaking authority from the Size Appeals Board to the Office of Hearings and Appeals and to provide a more fair and efficient means for obtaining complete and reliable evidence upon which to base the Agency's final size decisions.

DATE: Written comments must be submitted on or before September 1, 1983.

ADDRESS: Submit written comments to: Roger H. Jones, Assistant Administrator, Office of Hearings and Appeals, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Roger H. Jones, Assistant Administrator, Office of Hearings and Appeals (202) 653–6805.

SUPPLEMENTARY INFORMATION: The Small Business Administration is proposing regulations that will amend the present procedures for considering and deciding appeals from size determinations and from product or service classifications. Size determinations relate to eligibility for SBA loans and eligibility in government procurements and sales. Product or service classifications delineate the size standard for each specific government procurement or sale. Size and product or service classification appeals are presently decided by the Size Appeals Board. However, on August 6, 1982, the SBA Administrator implemented a decision by a predecessor to establish an SBA Office of Hearings and Appeals for the purpose of consolidating the Agency's adjudicative decisionmaking functions in a forum that would provide maximum efficiency and fairness to participants. One significant class of cases assigned to OHA under this proposed plan is the size and product or service classification appeals to which the proposed rules relate. By eliminating the Size Appeals Board and empowering OHA to make decisions with respect to such appeals, SBA is attempting to avoid those scheduling difficulties and delays that have attended the existing procedure. SBA is also attempting to institute a procedure for such OHA proceedings that will better satisfy the requirements of due process by providing a fair and efficient means for obtaining complete and reliable evidence upon which to base a final decision. It is anticipated, however, that the bulk of the size determinations and product or service classifications will continue to be resolved at the initial protest level, without resort to the administrative appeal process.

The proposed regulations will abolish the Size Appeals Board and establish procedures under which an appeal will be assigned within OHA to a panel of three judges, one of whom will be designated the presiding judge. The presiding judge will manage the case on appeal, receive evidence, and dispose of all interlocutory motions, petitions and other pleadings. Although the present rules provide for summary dismisal of appeals by the Chairperson of the Board, based on threshold procedural issues, under the proposed rules these determinations and final decisions on the merits will be rendered by a majority of the panel. Use of a panel rather than a single decisionmaker is proposed in order to maintain consistency in determinations while promoting efficient disposition of appeals. Like its predecessor, the Size Appeals Board, the OHA panel of judges will not have jurisdiction to entertain appeals from informal opinions or advice or from size standards established by SBA for a particular industry or field of operation. As under the current Board procedures, the panel will review the case *de novo* and may make its own determination as to the weight of the evidence. However,

whereas the present rules permit an entity found not to be small to petition the Board for reconsideration of its decision, under the proposed rules a decision rendered by a majority of the OHA panel will be final, unless it is shown, within 30 days of the decision, that newly discovered evidence of decisional significance has become available.

The new procedures are designed to produce a complete and reliable record on which to base a decision and to ensure that interested parties will have maximum feasible opportunity to participate in the development of that record. The present regulations emphasize that Size Appeals Board proceedings are essentially "fact finding and nonadversary in nature." Thus, it has been the practice of the Board to initiate inquiries and consider the evidence produced thereby without notifying other parties of its inquiries or discoveries and affording an opportunity for rebuttal. However, the proposed regulations recognize that, in many instances, a decision in either a size appeal or a product or service classification appeal will adversely affect an entity involved in the underlying procurement, sale or loan. In order to ensure that each such interested party will be aware of the evidence presented and afforded the opportunity to supply supporting or conflicting evidence, the proposed regulations require that all documents submitted for the record, including the notice of appeal that initiates the proceeding, be served on all interested parties, expunged of confidential data where appropriate. For the same reasons, the proposed rules prohibit *ex parte* communications between interested parties and any member of the OHA panel on questions of fact or law at issue in the appeal. Moreover, the proposed rules specifically provide that the decision rendered by the panel may be based only on materials contained in the record. OHA will provide means for recording and transcribing any oral hearings or telephone conferences conducted by the presiding judge, and any party may move to correct an error in the transcript. If the decision of the panel has been based on official notice of a material fact not appearing in the record, any party will be afforded an opportunity to rebut such fact.

The proposed rules confer broad judicial powers on the presiding judge in order to assure that better procedural due process is afforded to the parties and that the decision of the panel is based on a complete record containing reliable evidence. Thus, the presiding judge will be authorized to administer oaths and affirmations, to issue subpoenas under certain circumstances, to request the attendance of Agency witnesses, and to take or cause depositions to be taken. Although the present regulations contemplate an oral hearing which could be of a fact finding nature, few oral hearings have been required. In most instances, the panel, like the Board, will make its determination based solely on a documentary record. However, the proposed rules empower the presiding judge to afford the parties an oral hearing or telephone conference call if there is a genuine dispute regarding a material fact of decisional significance that cannot be resolved except by confrontation of witnesses. The presiding judge is authorized to fix the time and place for such hearing and to obtain any further competent material or relevant facts that are deemed necessary to properly decide the matters at issue in the appeal.

Some miscellaneous comments are appropriate concerning certain provisions of the proposed regulations. The proposed rules provide that any party that has been "adversely affected" by a size determination or a product or service classification may appeal from that determination. Although the wording of this provision is slightly different from the present regulations, the field of potential appellants has neither been widened nor constricted by the proposed wording changes since, in both instances, the test for standing to appeal is adverse effect. The time limits in the proposed rule for instituting an appeal are essentially the same as those contained in the present regulations, with one exception. Under the present regulations, an appeal from a size determination may be instituted at any time if the determination does not relate to a pending procurement. Under the proposed regulations, a party adversely affected by a size determination that does not relate to a pending procurement must file a written appeal with OHA within thirty (30) calendar days after the date of such determination. The present regulations do not require the appellant, or any other party submitting information to the Size Appeals Board, to submit such information under oath or affirmation. However, consistent with the intent to establish procedures that will produce a more complete and reliable evidentiary record than is presently the case, the proposed rules require that the appellant and any other party submit verified documents and materials to OHA concerning an appeal. Finally, the proposed rules place the burden of supplying other parties with copies of submitted documents and materials upon the party submitting such materials. That party will be permitted to make reasonable deletions in the copies served upon other parties in order to protect confidential proprietary information, so long as the copies served upon other parties indicate the nature of such deletions. OHA will maintain a docket file containing all information submitted concerning the appeal, and the docket file will be available for public inspection, except that those portions that are subject to a protective order issued by the presiding judge or those portions that properly constitute confidential proprietary information will not be made available.

These proposed procedural regulations concerning appeals constitute one of two separate proposed revisions to SBA's small business size standard regulations contained in Part 121 of Chapter 13 of the Code of Federal Regulations. The Notice of Proposed Rulemaking proposing revisions to the substantive regulations governing size was published in 48 FR 20560 on May 6, 1983. As was stated in that Notice, that proposal did not address revisions to the procedural rules concerning appeals and merely reiterated in §§ 121.10(d) and 121.11 the appeals procedures that are set forth in § 121.3–6 of the current size regulations. Since revisions to both the substantive and the procedural rules will ultimately be combined in a single set of regulations, the proposed revisions to the procedural rules contained in this Notice of Proposed Rulemaking have been numbered consistent with the proposed revisions to the substantive rules. However, because the procedural revisions are less complex and are expected to elicit correspondingly fewer comments, it is likely that they will be finalized prior to issuance of final substantive regulations, in which case they will replace § 121.3–6 of the current regulations.

The two sets of revisions constitute separate rulemakings with separate comment periods. Therefore, it is imperative that members of the public wishing to comment on either or both sets of proposed regulations submit separate comments. Comments that are not properly identified and submitted to the appropriate SBA office as specified in the respective **Federal Register** notices pertaining to each proposal may fail to be considered by the Agency prior to issuance of final regulations.

SBA hereby certifies that these regulations are procedural in nature, and do not constitute major regulations for

the purpose of Executive Order 12291. In addition, for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, these regulations if promulgated in final form would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 13 CFR Part 121

Inventions and patents, Small businesses.

Accordingly, pursuant to 15 U.S.C. 634(b)(7), SBA hereby proposes to amend Part 121 of 13 CFR as follows:

PART 121—[AMENDED]

1. Section 121.10(d) as proposed to read at 48 FR 20587, May 6, 1983 is proposed to be revised to read as follows:

§ 121.10 Size standard responsibilities.

* * * * *

(d) *Jurisdiction of Office of Hearings and Appels*—(1) *Jurisdiction.* Pursuant to the provisions of § 121.11 of this Part, the Office of Hearings and Appeals will review appeals and make final decisions affirming, reversing or modifying:

(i) Determinations as to a concern's small business size status made pursuant to §§ 121.8 and 121.9 of this Part (size determination); and

(ii) Designations by contracting officers of the Standard Industrial Classification (SIC) industry into which the product or service is classified and/or the Small Business Administration size standard applicable thereto, for the purpose of government procurements and sales made pursuant to §§ 121.4 and 121.5 (product or service classification).

(2) *Limits of Jurisdiction.* The jurisdiction of the Office of Hearings and Appeals under this Part shall be limited to appeals from size determinations and product or service classifications. No appeal will be permitted from an informal opinion or advice concerning a company's small business size status, an opinion as to a company's future small business size status based on proposed but unexecuted changes in its organization, management, or contractual relations, or a small business size standard established by the Small Business Administration for a particular industry or field of operation, or any of the accompanying size regulations.

2. Section 121.11 as proposed at 48 FR 20587, May 6, 1983 is proposed to be revised to read as follows:

§ 121.11 Rules of Practice and Procedure for Size Determination and Product or Service Classification Appeals.

(a) *Who may appeal.* Appeals from size determinations and product or service classifications made pursuant to this section may be filed with the Office of Hearings and Appeals by any of the following:

(1) Any interested party that has been adversely affected by a determination of a Regional Administrator, or his or her delegatee, or by the Associate Administrator for Finance and Investment made pursuant to §§ 121.8 and 121.9 of this Part;

(2) Any interested party that has been adversely affected by a determination of a contracting officer regarding a product or service classification made pursuant to § 121.5 of this Part; or

(3) The Small Business Administration Associate Administrator for the Small Business Administration program involved.

(b) *Where to Appeal.* Written Notices of Appeal conforming to paragraph (d) of this section, and all subsequent documents pertaining to the appeal, shall be mailed to the Office of Hearings and Appeals, Small Business Administration, Washington, D.C. 20416, or may be personally delivered to the Office of Hearings and Appeals at 2100 K Street, NW., Washington, D.C.

(c) *Time Limits for Appeal.* (1) Except as provided in subparagraph (2) of this paragraph, appeals from size determinations shall be filed in writing within thirty (30) calendar days after the date of receipt of such determination;

(2) Appeals from size determinations concerning a bidder or offeror in a pending procurement and appeals from size determinations in a pending Government property sale shall be filed in writing within five (5) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a determination by a Regional Administrator, or his or her delegatee. Unless written notice of such an appeal is received by the Office of Hearings and Appeals before the close of business on the fifth working day, the appellant will be deemed to have waived all rights of appeal insofar as the pending procurement or sale is concerned, but the appeal may proceed to final determination and shall apply to future procurements and sales.

(3) Appeals from product or service classifications shall be filed not less than ten (10) days, exclusive of Saturdays, Sundays, and legal holidays, before the bid opening day or deadline for submitting proposals or quotations in cases when the bid opening day or deadline for submitting proposals or quotations is more than thirty (30) days after the issuance of the invitation for bids or request for proposals or quotations. In cases where the bid opening day or deadline for submitting proposals or quotations is less than thirty (30) days after the issuance of the invitation for bids or request for proposals or quotations, the appeal shall be filed not less than five (5) days, exclusive of Saturdays, Sundays, and legal holidays, before the bid opening day or deadline for submitting proposals or quotations. A protest which would be untimely under the original closing date for the solicitation is not made timely by amendments which do not affect the assigned SIC. Amendments affecting the assigned SIC also modify the time for protest from the date of amendment to the new closing date. Untimely appeals from product or service classifications will be dismissed.

(4) The timeliness of an appeal will be based on the time of receipt of the appeal by the Office of Hearings and Appeals; *Provided* that an appeal received after the specified time limit has expired will be deemed to be timely and shall be considered if, in the case of mailed appeals, such appeal is sent by Registered or Certified Mail and the postmark thereon indicates that the appeal would normally have been received within the specified time limit but for delays beyond the control of the appellant, or, in the case of telegraphed appeals, the telegram date and time line indicate that the appeal would normally have been received within the specified time limit but for delays beyond the control of the appellant.

(d) *Initiation and Notice of Appeal.* The document that initiates the appeal is hereafter called the Notice of Appeal. No particular form is prescribed for the Notice of Appeal. The appellant shall file the Notice of Appeal with the Office of Hearings and Appeals, in writing and in duplicate. All documents and materials submitted by a party to an appeal shall be verified (i.e., submitted under oath or affirmation). In the case of telegraphic notices; neither verification nor a duplicate telegram is required; nor is the information specified in paragraphs (d) (4) through (6), of this section, required to be set out in the telegram. However, a telegraphic notice shall be confirmed by next day mailing of a verified written notice in duplicate containing all the information specified in paragraphs (b) (1) through (6) of this section. A copy of the Notice of Appeal shall be concurrently served by the appellant upon those parties specified in paragraph (d)(6) of this section. Upon receipt of a copy of the Notice of Appeal, the Regional Office shall forthwith send the entire case file to the Office of Hearings and Appeals. The verified written Notice of Appeal shall include the following information:

(1) Name, address and telephone number of the party filing the appeal, identification of the person to be contacted for service of correspondence, notices, orders, pleadings and requests for information pertaining to the appeal;

(2) The substance and date of the size determination or product or service classification from which the appeal is taken, including identification of the concern whose size is being determined, or the Standard Industrial Classification or SBA size standard being applied;

(3) If applicable, the solicitation number and date, and the name, address and telephone number of the contracting officer;

(4) A full and specific statement of the reasons why the size determination or product or service classification appealed to be erroneous;

(5) Presentation of arguments in support of such allegations; and

(6) A statement certifying that copies of the Notice of Appeal have been served upon the following, where applicable,

(i) The contracting officer;

(ii) The Small Business Administration official whose determination is appealed;

(iii) A protestant who is not the appellant;

(iv) The concern whose size status is at issue; and

(v) Any other identifiable interested party.

(e) *Notification of Filing of Appeal.* The Office of Hearings and Appeals will notify the parties specified in paragraph (d)(6) of this section of the date it received the appeal and the docket number assigned.

(f) *Scope of Appeal.* The Office of Hearings and Appeals will not consider issues not previously presented to the Small Business Administration Office that made the size determination appealed unless such consideration is determined to be necessary to prevent manifest injustice to a party and not due to any fault or omission of such party.

(g) *Statements of Interested Parties.* After an appeal has been filed, any interested party may file with the Office of Hearings and Appeals a signed and verified statement, in duplicate, supporting or opposing the appeal and presenting appropriate argument and evidence. Such statement shall be mailed or delivered to the Office of Hearings and Appeals, within five (5) days, exclusive of Saturdays, Sundays, and holidays, of the receipt of Notice of Appeal served pursuant to paragraph (d) of this section, and a copy shall be concurrently served upon each of the other parties specified in the statement of certification required pursuant to paragraph (d)(6) of this section: *Provided* that tax returns, confidential data on SBA Form 355 and any other evidence that constitutes proprietary information need not be served upon other parties, so long as reference to such deletions is provided in the copies served upon other parties. The interested party shall also certify that the statement has been served upon each of the other parties pursuant to this paragraph.

(h) *Enforcement of Time Limitations.* Time limitations on all filings will be strictly applied. Unless requested by the Office of Hearings and Appeals, late filings and filings not specifically provided for in this section, may be disregarded to avoid delay in disposition of the appeal.

(i) *Docket File.* Upon the receipt of an appeal, the matter will be assigned a docket number. The docket file will consist of the Notice of Appeal, any responses thereto, the case file submitted by the Small Business Administration official or the contracting officer, including the related written determination of such official or officer, and any additional documents submitted with respect thereto pursuant to this section, by the parties to the appeal. There shall also be included any hearing record, all pleadings and motions, and the judges' orders and decisions.

(j) *Public Access to Docket File.* (1) Except as provided in paragraph (j)(2) of this section, the docket file will be available for public inspection during normal business hours and copies of such material may be obtained upon payment of the applicable charges.

(2) The following information in the docket file shall not be subject to public inspection or copying:

(i) Information subject to a protective order issued pursuant to paragraph (u)(15) of this section; and

(ii) Any proprietary information the withholding of which is provided pursuant to paragraph (g) of this section, or which is identified and contained in the case file submitted by the Small Business Administration official or the contracting officer.

(k) *Assignment of Three Judge Panel.* Upon receipt of an appeal, the Assistant Administrator for the Office of Hearings and Appeals will assign the appeal to a panel of three judges, one of whom (the Presiding Judge) will be designated to preside over the panel. The panel will have jurisdiction to investigate and decide the controversy and to take such further appropriate action as may be necessary to issue a decision in the matter in accordance with applicable agency policy, precedent, and law. A decision agreed upon by a majority of the panel will be issued and will be the final decision of the Small Business Administration.

(l) *Service of Pleadings.* All pleadings, motions, and other documents filed by the parties pursuant to this section shall be accompanied by certification of service thereof upon the Presiding Judge and all other parties or their respective counsel or other representative in the proceeding.

(m) *Function of Presiding Judge.* The Presiding Judge of the panel to which the appeal is assigned is authorized to act upon and to dispose of all relevant motions, petitions, and other pleadings; to obtain such competent, material, and relevant facts as the Presiding Judge may deem necessary to a proper and just decision of the matters at issue, in an oral hearing or by other appropriate means (including, for example, telephone conferences) on notice to the parties; and to fix the time and place of any oral hearing or telephone conference. The Presiding Judge is also authorized to:

(1) Administer oaths and affirmations;

(2) Issue subpoenas as provided in paragraph (u) of this section;

(3) Request the attendance of Small Business Administration employees;

(4) Examine witnesses;

(5) Rule upon questions of procedure, evidence, policy and law;

(6) Take or cause depositions to be taken;

(7) Regulate the course of the oral hearing, maintain decorum, and exclude from such hearing any person engaging in contumacious conduct or otherwise disrupting such hearing;

(8) Require the filing of memoranda and the presentation of oral argument with respect to any question upon which the Presiding Judge is required to rule during the course of the hearing;

(9) Hold conferences for the settlement or simplification of the issues or for other appropriate purposes;

(10) Dispose of procedural requests and similar matters;

(11) Take action and make decisions in conformity with the applicable law, policy, and procedures of the Small Business Administration; and

(12) Act on motions to enlarge, modify, or delete issues in the proceeding.

(n) *Oral Hearings and Telephone Conferences.* (1) The Presiding Judge will determine the issues presented upon the documentary record. Only when the Presiding Judge determines, upon examination of the docket file and consideration of such additional facts as may be acquired on notice to the parties,

that there is a genuine dispute as to any material fact of decisional significance which cannot be resolved except by confrontation of witnesses, will an oral hearing be afforded.

(2) If the Presiding Judge determines that there is a matter that cannot be resolved other than by a telephone conference or an oral hearing, he or she will fix a time and place for such conference or hearing to resolve such matter.

(3) Any oral hearing will be set at a site reasonably proximate and convenient to the parties and notice thereof will set forth:

(i) A statement as to the purpose of the oral hearing; and

(ii) A statement as to the matters of fact and law involved and the issues that will be heard.

(4) The Office of Hearings and Appeals will provide a means for recording and transcribing oral hearings and telephone conferences at which evidence is taken. A transcript or recording, as applicable, may be obtained upon payment of the charges therefor.

(o) *Prohibited Ex Parte Communications.* Except to the extent required for the dispositon of ex parte matters as authorized by law or regulation, no party may consult a judge on a fact or question of law in issue in an appeal except on notice and opportunity for all parties to participate.

(p) *The Record.* (1) A transcript or recording of any testimony and exhibits, and any other documents included in the docket file pursuant to paragraph (i) of this section shall constitute the exclusive record for decision. Where the decision is based on official notice of a material fact not appearing in the record, any party will, on written request filed within five (5) days following receipt of the decision served pursuant to paragraph (s) of this section, be afforded an opportunity to show the contrary.

(2) The record in a proceeding in which an oral hearing has been held will be closed by an announcement to that effect at such hearing by the Presiding Judge when taking of testimony has been concluded. When no oral hearing has been held, the Presiding Judge will inform the parties of the closing of the record by appropriate means. In the discretion of the Presiding Judge, the record may be closed as of a future specified date in order to permit the admission into the record of exhibits to be later prepared; *Provided* that the parties to the proceeding waive the opportunity to cross-examine or present evidence with respect to such exhibits. After the closing of the record, the transcript or recording of any testimony, together with all exhibits, will be certified by the Presiding Judge and filed in the docket in the Office of Hearings and Appeals. A copy of such certification will be served on all parties to the proceeding.

(3) At any time during the course of the proceeding, or as directed by the Presiding Judge, but not later than five (5) days after receipt of notice of certification of the record made pursuant to paragraph (p)(2) of this section, any party to the proceeding may file with the Presiding Judge a motion requesting the correction of a transcript, if any, which motion shall be accompanied by proof of service thereof upon all other parties to the proceeding. Within five (5) days after the receipt of such a motion, other parties may file a response in support of, or in opposition to, such motion. Thereafter, the Presiding Judge will issue an order specifying the corrections to be made in the transcript. A copy of the order will be served upon all parties and will be made a part of the record. The Presiding Judge may, on his or her own motion, specify on notice to the parties corrections to be made in the transcript. Objection to any such proposed corrections shall be filed within three (3) days after receipt of such notice and such objections will be the subject of appropriate rulings by the Presiding Judge.

(q) *Post-Hearing Procedures.* (1) After the conclusion of any oral hearing any party may, with the concurrence of the Presiding Judge, file proposed findings of fact and conclusions, briefs, and memoranda of law; *Provided* that the Presiding Judge may, in any proceeding, direct any party to file proposed findings of fact and conclusions, briefs, and memoranda of law. Any proposed findings of fact, conclusions, briefs, and memoranda of law shall be filed within ten (10) days after receipt of notice of certification of the record pursuant to paragraph (p)(2) of this section, unless the Presiding Judge grants additional time.

(2) Proposed findings of fact shall be set forth in serially numbered paragraphs and shall set out with particularity all basic decisionally significant evidentiary facts developed on the record (with citations to the transcript, where appropriate, and to other portions of the record relied on for each evidentiary fact) which are deemed to support the findings proposed by the filing party. Proposed conclusions shall be separately stated in serially numbered paragraphs. Proposed findings of fact and conclusions submitted by a party may be limited to those issues that affect the interests of such party. Briefs in support of such proposed findings and conclusions may be submitted.

(3) In the absence of a showing of good cause therefor, the failure to file proposed findings of fact, conclusions, briefs, and memoranda of law when directed to do so by the Presiding Judge, will be deemed to constitute a waiver of the right to participate further in the proceeding, but shall not preclude a decision in the proceeding.

(r) *Decision.* Following receipt of proposed findings and conclusions authorized or directed pursuant to paragraph (q) of this section or default in such filings, or upon closing of the record when such filings have not been authorized or directed, the Presiding Judge will prepare a proposed decision containing findings of fact and conclusions, as well as the reasons therefor, with respect to all the decisionally significant material issues of fact and law presented on the record. The proposed decision will also contain a proposed determination, and the proposed sanction, relief, or denial thereof appropriate in the circumstances. The proposed decision will be circulated among the panel for consideration and concurrence. Upon approval of that decision or a different decision by a majority of the panel, the decision will be issued and shall be the final decision of the Small Business Administration.

(s) *Notice of Decision.* The Office of Hearings and Appeals will serve the decision upon all parties by Certified Mail. Where time is of the essence, notice of the decision shall be communicated by reference to its ultimate determination in a telegram or by telephone to the parties, to be followed by service of the full text.

(t) *Termination of Jurisdiction.* The authority of the panel over the proceeding shall cease upon issuance of the decision, except as provided below:

(1) Limited jurisdiction over the proceeding shall continue for the purpose of effecting certification and correcting the record;

(2) Within thirty (30) days of the service of the decision pursuant to paragraph (s) of this section, any party may file a motion to reopen the proceeding for the limited purpose of presenting newly discovered evidence of decisional significance, together with a showing that such evidence was not available at the time of hearing, or could not have been available at that time, upon the exercise of due diligence. The panel will dispose of such motion in

such manner as to afford a just and proper disposition of the panel.

(u) *Subpoenas.* (1) Subpoenas will be authorized at the discretion of the Presiding Judge only with respect to oral hearings held pursuant to paragraph (n) of this section. No subpoenas may be issued against Small Business Administration personnel or for documents in the custody or control of the Small Business Administration.

(2) Subpoenas requiring the attendance and testimony of witnesses, and subpoenas requiring the production of any books, papers, records, contracts, agreements, and other documents relating to an appeal under this section shall be signed and issued by the Presiding Judge.

(3) Unless submitted on the record while an oral hearing is in progress, requests for a subpoena to require testimony of a witness shall be submitted in writing, identifying the person to be subpoenaed and showing the relevance, the materiality, and the basis for requiring the testimony of such person.

(4) Written requests for a subpoena to produce records, documents, etc., shall be verified, and shall specify with particularity the books, papers, and documents desired and the facts expected to be proved thereby. A showing shall also be made as to the relevance and materiality of the evidence sought.

(5) Requests for subpoenas shall be submitted in triplicate, and may be made *ex parte.*

(6) Any person or entity against whom a subpoena is directed may, prior to the return date, file with the Presiding Judge a motion to quash or limit the subpoena, setting forth the reasons the subpoena should not be complied with or should be limited in scope. That motion must be made upon notice to all other parties in the proceeding.

(7) Notice, including a brief statment of the reasons therefor, will be given for the denial, in whole or in part, of a request for subpoena or of a motion to quash.

(8) A subpoena may be served by a United States marshal, his or her deputy, agency personnel, or any person who is not a party to the proceeding and who is not less than 18 years of age.

(9) Service of a subpoena upon the person named therein shall be made by exhibiting the original subpoena to him or her, by reading the original subponea to such person if he or she is unable to read, by delivering the duplicate subpoena to him or her, and by tendering to him or her the fees for one day's attendance at the proceeding to which he or she is summoned and the mileage allowed by law. If the subpoena is issued on behalf of the United States or an officer or agency thereof, attenance fees and mileage need not be tendered, but will be paid upon filing of an appropriate claim therefor.

(10) If service of the subpoena is made by a person other than a United States marshal or his or her deputy, such person shall sign an affidavit thereof, stating the date, time, and manner of service.

(11) In case of failure to make service, the reasons for the failuire shall be stated on the original subpoena by the person who attempted to make service.

(12) The original subpoena, bearing or accompanied by the required affidavit or statment, shall be returned forthwith to the Office of Hearings and Appeals or, if so directed on the subpoena, to the Presiding Judge before whom the person named in the subpoena is required to appear.

(13) The attendance of witnesses and the production of documentary evidence may be required from any place in the United States to any designated place of hearing. In case of disobedience of a subpoena, the Small Business Administration may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

(14) Witnesses who are subpoenaed and respond thereto are entitled to the same fees, including mileage, as are paid for like service in the courts of the United States. Fees shall be paid by the party at whose instance the subpoena is issued.

(15) In the exercise of discretion, the President Judge authorizing and issuing any subpoena will, upon request or upon his or her own motion, devise and provide such protective order(s) as may be necessary and appropriate to protect the witness and/or such books, documents, materials, and records produced in response thereto, from harrassment, undue expense, breach of confidentiality of information and data reasonably concluded to require protection from general disclosure, or for any other proper and relevant consideration.

(v) *Delegation of Authority When Judge Not Available.* In the event of the absence or unavailability of the Presiding Judge or other member of the panel to which the appeal is assigned, where such action is necessary, any judge in the Office of Hearings and Appeals to whom such authority is delegated, is authorized to participate in rendering a final decision and to dispose of any motions or other interlocutory matters, as appropriate, pertaining to such appeal.

Dated: July 25, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-20622 Filed 8-1-83; 8:45 am]

BILLING CODE 8025-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 145, 146, and 147

Fees for Requests for Commission Records, Reports of the Commission, and Transcripts of Commission Meetings

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed schedule of fees.

SUMMARY: As part of the Futures Trading Act of 1982, Congress amended Section 26 of the Futures Trading Act of 1978 and acknowledged the Commission's authority to promulgate a schedule of fees "to be charged for services rendered and activities and functions performed by the Commission in conjunction with its administration and enforcement of the Commodity Exchange Act." The Commission now proposes to revise its schedule of fees for requests for copies of Commission records, reports of the Commission and transcripts of Commission meetings. The proposed rules establish an agencywide schedule of fees for use by any Commission office which provides copies and services. This schedule reflects the Commission's actual costs in rendering these services.

DATE: Comments must be received on or before September 1, 1983.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Stacy L. Dean, Counsel to the Executive Director, or Tena Friery, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-7360 and (202) 254-9880 respectively.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 237 of the Futures Trading Act of 1982 (Pub. L. 97-444, 96 Stat. 2294, Jan. 11, 1983) amended Section 26 of the Futures Trading Act of 1978 (7 U.S.C. 16a) by adding, as pertinent to these

proposed rules, subsection (c), which provides:

> Nothing in this section shall limit the authority of the Commission to promulgate, after notice and opportunity for hearing, a schedule of fees to be charged for services rendered and activities and functions performed by the Commission in conjunction with its administration and enforcement of the Commodity Exchange Act: *Provided*, That the fees for any specified service or activity or function shall not exceed the actual cost thereof the Commission. (96 Stat. 2326.)

The conference report accompanying the legislation (H.R. Rep. No. 964, 97th Cong. 2d Sess., 1982) notes that

> the conferees intend that the fee schedule . . . is to be strictly limited to Commission activities directly related to: . . . (6) publications of the Commission; (7) Freedom of Information Act services; and (8) providing transcripts of Commission meetings (p. 57).

The Commission now proposes to revise its fees for search and copying services (including those provided under the Freedom of Information Act (FOIA)), transcripts of Commission meetings and Commission reports, consistent with the requirement that this not exceed the actual cost to the Commission.

II. Regularly Updated Reports Published by the Commission, Commitments of Traders Reports

The monthly New York and Chicago Commitments of Traders Reports if combined consists of approximately 70pages. The reports list composite data which is gathered from brokerage houses on the reportable and nonreportable positions of traders in active contracts on all major exchanges. The report shows the open interest held by commercial and noncommercial traders, indicating the total number of contracts and percentage of market share for long, short and (for noncommercial traders) spread positions. At the present time, the report is available to the public through wire services and exchanges. Also, in the past the Commission has photocopied the report at its offices at the cost of 10 cents per page. At this per page rate, the yearly cost of both the New York and Chicago reports is approximately $70.00.

The Commission has determined, however, that bulk printing of these reports may serve to lower the cost per copy. To facilitate this service, the Commission now proposes to combine the New York and Chicago monthly reports. Assuming an average of 70 pages per month (New York and Chicago combined) and 100 requests, at a printing cost of 2 cents per page, total printing costs equal $1,680 per year. Postage, at 29 cents per report, totals $348.00 per year. Preparation and handling, based on an average of 6 hours of clerical time per month, totals $348.00 per year. Preparation and handling, based on an average of 6 hours of clerical time per month, totals $720.00 per year. A 32% overhead for space, utilities and other tangible support is estimated to be $879.36 per year. This equates to a total yearly cost of $3,627.36 for 100 copies or $36.27 for one copy. Taking these figures on a monthly basis, as the reports are to be made available, the actual cost for one monthly copy would be $3.02. Based on these computations, the Commission proposes to make the combined monthly report available at $3.00 per month, or $36.00 per year. The annual subscription will run on a fiscal year from October 1 to September 30. If subscriptions are requested in the middle of the fiscal year, the subscriber should prorate the subscription check accordingly. Subscriptions will run through the end of the subscription year (September 30) and may not be terminated before the end of the subscription year. Back copies of the commitments of traders reports will be furnished to the requester at the per page fee established by regulations § 145.9b.

Under the proposal, as at present, requests for individual copies and annual subscriptions of the Commitments of Traders Report may be made by mail to the Office of Public Information, 2033 K Street, N.W., Washington, D.C. 20581. Requests must be accompanied by a nonrefundable check or money order in the correct amount, based on the number of monthly reports requested, payable to the Commodity Futures Trading Commission. No telephone requests will be accepted. Requests for those reports which are not accompanied by a check or money order will not be processed.

III. Transcripts of Commission Meetings

Commission regulation §147.7, 17 CFR 147.7, allows the Commission the option of keeping a record of its meetings by transcript or electronic recording. The Commission makes records of its open meetings available to the public in both forms. Transcripts of open Commission meetings are available to the public, pursuant to Commission Rule 147.8, 17 CFR 147.8, through the Office of the Secretariat, 8th Floor, Washington Headquarters. Duplicate cassette tapes of open meetings are also available from the Office of the Secretariat, at a cost of 90 cents each.[1] If an individual requests a written transcript of a Commission meeting, the Commission charges the actual cost of transcription. *See* Commission Rules 147.9(a) and 145.9b(a)(5), 17 CFR 147.9(a) and 145.9b(a)(5). Transcription services are provided by a private vendor and, as a result, fees for this service are subject to change with little advance notice. Nonetheless, the requesting party assumes full responsibility for this cost and will be provided an estimate of the costs involved for advance approval prior to a transcript being prepared. With regard to transcripts of closed Commission meetings, a share of the transcription fee will be assessed to the requester commensurate to that portion of the transcript ultimately released. The cost of duplicating a written transcript after it has been transcribed in charged at the rate prescribed for duplication of documents, set forth in Commission Rule 145.9b(a)(4). This charge in currently 10 cents per page. However, in the event the Commission adopts the per page charge of 15 cents per page, as proposed *infra*, the per page charge for copies of pages of transcripts of Commission meetings existing in transcript form at the time of the request will be increased accordingly.[2]

IV. Other Requests for Records and Services, Including Requests Made Pursuant to the Freedom of Information and Privacy Acts

The Commission also proposes to revise its current schedule of fees, which are outlined in § 145.9b of the Commission's regulations. The proposed revisions would (1) Increase the per page photocopy fee from 10 cents per page to 15 cents per page; (2) increase fees for searching for requested records; (3) clarify that the cost of conducting computer searches will be charged; and (4) add charges for certification and mailing.

The Commission notes that the charge of 10 cents per page has been in effect since 1975. During the past eight years, the cost involved in duplicating a document has increased significantly in terms of salaries of personnel, equipment and supplies. When these increased costs are considered, the Commission believes that an increase to 15 cents per page is warranted.[3]

---

[1] Requests for transcripts or tape recordings of open and closed Commission meetings should be directed to the Office of the Secretariat, attention FOIA, Privacy and Sunshine Acts Compliance Staff.

[2] The Commission sees no need to amend the substance of § 147.9(a). The Commission proposes to amend this section merely to reflect the renumbering of paragraphs and amendments to Part 145b, as proposed herein.

[3] The Commission notes that many other Federal agencies have found it necessary to increase their per page rate above 10 cents. *See, e.g.*, 48 FR 12350 (March 24, 1983) (Department of Treasury adopted final rule increasing fee to 15 cents per page); 29

Furthermore, the Commission has determined that the actual costs of searching for documents is $10.00 per hour, including compensation and benefits, per clerical employee and $16.00 per hour, including compensation and benefits, per professional employee. These figures are based on actual costs for FY 1982. In order to bring the search fees in line with the actual cost to the Commission for this service, the Commission proposes to amend the fee for time spent in a search for records by clerical employees to two dollars and fifty cents ($2.50) for each one-quarter hour and four dollars ($4.00) for each one-quarter hour of time spent by professional personnel in searching for records. Further, the Commission proposes to discontinue the practice of not charging for the first quarter hour of search time and the regulations, as proposed, have eliminated this provision.[4] In doing this, however, the Commission intends to vest the Assistant Secretary to the Commission for FOI, Privacy and Sunshine Act matters with the authority to exercise his or her discretion to waive an amount of a search fee when he or she determines that any amount recovered would be minimal compared to the cost incurred in collecting and processing the fee.

The Commission also proposes to add Section 145.9b(a)(3) clarifying that the actual costs of conducting computer searches, including computer search time, runs, and the time of programmers or other employees spent in conjunction with the computer search, will be charged. The Commission has determined not to establish a minimum charge for computer search time. Computer printouts are proposed to be billed per page at the rate of 15 cents per page. The cost of programmer time involved in the search will be charged at the professional search time rate of four dollars ($4.00) per quarter hour. The Assistant Secretary for FOI, Privacy and Sunshine Act matters may, where there is a minimal amount involved, determine to waive the fee.

Further, the Commission proposes to add Section 145.9(a)(7) establishing a $3.00 charge for certifying that records are true copies. This amount will be charged for each certification prepared, *i.e.*, if a single certification will suffice to certify a collection of documents, the charge will be $3.00, but where an individual certification is required for a number of documents the charge will be $3.00 for each document which requires a certification. The $3.00 fee is consistent with fees charged by some other Federal regulatory agencies for certification of documents.[5]

In addition, the Commission proposes to add § 145.9b(a)(9) establishing a charge for providing records by overnight express mailing of $10.00 per unit mailed. This fee represents the actual cost to the Commission of providing this service.

Finally, the Commission proposes to amend Section 146—Appendix A so that fees charged in connection with records furnished pursuant to the Privacy Act,[6] 5 U.S.C. 552a, are consistent with fees charged in connection with records otherwise provided.

V. Regulatory Flexibility Certification

These proposed fees represent either reductions or relatively small increases in fees, based on actual costs for documents, reports, and other materials requested by the Commission. Accordingly, the Acting Chairman, on behalf of the Commission, hereby certifies, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), that the proposed rule changes, if promulgated, will not have a significant economic effect on a substantial number of small entities. The Commission nonetheless invites comment from any firm which believes that these rule changes, as proposed, would have a significant impact on its operations.

List of Subjects

17 CFR Part 145

Commission records and information; Fees.

17 CFR Part 146

Records maintained on individuals; Fees.

17 CFR Part 147

Open Commission meetings; Fees for transcripts and tapes.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, Sections 2(a)(11) and 26, 7 U.S.C. 4a(j) and 16a (1976 and Supp. V. 1981), as amended by the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983), and the Freedom of Information Act, 5 U.S.C. 552, the Privacy Act, 5 U.S.C. 552a, and the Government in the Sunshine Act, 5 U.S.C. 552b, the Commission hereby proposes to amend Parts 145, 146 and 147 of Chapter 1 of Title 17 of the Code of Federal Regulations by amending §§ 145.9b, 146—Appendix A and 147.9 and by adding new § 145.9c, as follows:

PART 145—COMMISSION RECORDS AND INFORMATION

1. In § 145.9b, paragraph (a) is proposed to be amended by redesignating paragraph (a)(9) as paragraph (a)(10).

2. In § 145.9b, the introductory text of paragraph (a) and paragraphs (a)(1)–(a)(9) are proposed to be revised to read as follows:

§ 145.9b. Schedule of fees.

(a) The following charges will be made for services in locating or making available records or copies thereof:

(1) Two dollars and fifty cents for each one-quarter hour spent by clerical personnel in searching for and producing a requested record.

(2) Where, because of the generality of a request or otherwise, a search cannot successfully be performed by clerical personnel, $4.00 for each one-quarter hour spent by professional or managerial personnel in searching for a requested record.

(3) For searches for records stored in computer formats, the actual cost of computer operator search time involved in connection with locating the requested information shall be charged at the professional search time rate of $4.00 per one quarter hour.

(4) For requests for copies of documents, including computer printouts, the charge will be $0.15 per page.

(5) For materials other than paper records, which are in existence at the time a request is made, including computer and cassette tapes, the direct cost of the materials and production shall be charged, but the person making the request shall be notified of the amount of the charge and shall give

---

CFR 1610 (Equal Employment Opportunity Commission—15 cents per page); 40 CFR 2 (Environmental Protection Agency—20 cents per page); 29 CFR 1401 (Federal Mediation and Conciliation Service—20 cents per page); 39 CFR 3001.42 (Postal Rate Commission—15 cents per page).

[4] However, the Commission has determined to retain its existing policy of not assessing a fee for search time when records are not released to the requester because they are determined to be nonpublic as described in § 145.5 or because documents responsive to the request cannot be located.

[5] *See e.g.*, 16 CFR 4 (Federal Trade Commission—$3.00 certification fee); 46 CFR 503.43 (Federal Maritime Commission—$3.00 certification fee).

[6] The Commission notes that the Privacy Act does not authorize a fee for time spent searching for records. Accordingly, § 146—Appendix A, as proposed, creates a fee schedule only for copies and services requested in connection with records covered by the Privacy Act. This schedule is consistent with the fees for copying, certification and special mailing as proposed to be established in § 145.9b.

specific approval before the request is processed.

(6) When, in accordance with § 145.7(e), a request has been made and granted to examine Commission records at an office of the Commission other than the office at which the records are normally maintained, the Commission shall transmit the records in a manner, which the Assistant Secretary of the Commission for FOI, Privacy and Sunshine Acts compliance matters considers best calculated to assure that the records will not be lost or damaged in transit, and the requesting party (i) shall reimburse the Commission for the actual cost to the Commission for transporting the records; and (ii) shall be charged at the rate of $2.50 for each one-quarter hour devoted by a Commission employee in preparing the records to be transported.

(7) For certifying that requested records are true copies, the fee will be $3.00 per certification in addition to other fees, if any.

(8) The Commission may, upon application by the requester, furnish any records without charge or at a reduced rate, if it determines that such fee waiver or reduction of fees is in the public interest.

(9) Upon request, records will be mailed by means of an overnight/express service at the fee of $10.00 per unit mailed.

* * * * *

3. New § 145.9c is proposed to be added to read as follows:

§ 145.9c Appendix C—Schedule of Fees—Reports.

(a) Three dollars ($3.00) will be charged per monthly copy of the Commitments of Trader's Report.

(b) Requests for individual copies and annual subscriptions of the Commitments of Trader's Report shall be made by mail addressed to the Office of Public Information, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Requests must be accompanied by a nonrefundable check or money order in the correct amount made payable to the Commodity Futures Trading Commission.

PART 146—RECORDS MAINTAINED ON INDIVIDUALS

4. Appendix A of Part 146 is proposed to be revised to read as follows:

Appendix A—Fees for Copies of Records Requested Under the Privacy Act of 1974

(a) The following schedule of fees shall apply to copies of records requested pursuant to the Privacy Act of of 1974, 5 U.S.C. 552a and § 146.5(f).

(1) For requests for copies of documents, the charge will be $.15 cents per page.

(2) For materials other than paper records, including computer and cassette tapes, the direct cost of the materials shall be charged, but persons making the request shall be notified of the amount of the charge and shall give specific approval before the request is processed.

(3) For certifying that requested records are true copies, the fee will be $3.00 per certification in addition to other fees, if any.

(4) Upon request, records will be mailed by means of an overnight/express services at the fee of $10.00 per unit mailed.

(5) The Commission may, upon application by the individual, furnish any records without charge or at a reduced rate, if it determines that such waiver or reduction of fee is in the public interest.

(b) Requests for copies of documents should be addressed to FOI, Privacy and Sunshine Acts Compliance staff, Office of Secretariat, Commodity Futures Trading Commisson, 2033 K Street, N.W., Washington, D.C. 20581.

PART 147—OPEN COMMISSION MEETINGS

§ 147.9 [Amended]

5. In § 147.9, paragraph (a) is proposed to be amended by removing references to "17 CFR 145.9b (a)(3), (a)(4), (a)(5), (a)(7), (d) and (e)" and inserting in lieu thereof "17 CFR 145.9b (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9), (d) and (e)".

Issued in Washington, D.C., on July 27, 1983, by the Commission.

Jane K. Stucky,

Secretary to the Commission.

[FR Doc. 83-20771 Filed 8-1-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 652

Establishment and Functioning of State Employment Services (Wagner-Peyser Act as Amended by Pub. L. 97-300)

Correction

In FR Doc. 83-20148 beginning on page 33832 in the issue of Monday, July 25, 1983, make the following corrections:

1. In the preamble, on page 33832, the citation to the court case in footnote 1 should have read *"NAACP* v. *Marshall"*.

2. On page 33836, in § 652.8(j)(1), the last word in the tenth line should have read "complaints".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 82N-0269]

Wheat Gluten, Corn Gluten, and Zein; Proposed Affirmation of GRAS Status

Correction

In FR Doc. 83-18541, beginning on page 31887 in the issue of Tuesday, July 12, 1983, make the following corrections:

1. On page 31889, second column, the second word in the fifth line of § 184.1321(a) should read, "glutelin".

2. Also on page 31889, second column, the first word in the seventh line of § 184.1321(a) should read, "gluten".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 65

[DoD Directive 1304.19]

Nomination of Chaplains for the Military Services

AGENCY: Office of the Secretary DOD.

ACTION: Proposed rule.

SUMMARY: This rule is being reissued to amplify the requirements for appointment of chaplains for the Military Services. The proposed rule clarifies the criterion and procedures for religious groups that seek DoD recognition as an endorsing agent for the purpose of presenting clergy candidates for the chaplaincy in the Armed Forces.

DATED: Written comments must be received September 1, 1983.

ADDRESS: Armed Forces Chaplains Board, OASD (MRA&L), Room 3E752, Pentagon, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Captain R. Alan Plishker, CHC, USN, (202) 697-9015.

SUPPLEMENTARY INFORMATION: In FR Doc. 80-1829 appearing in the Federal Register on January 21, 1980 (45 FR 3905) the Department of Defense published a final rule reissuing this Part. This was the second revision of this Part. The third revision follows hereunder.

List of Subjects in 32 CFR Part 65

Military Services, Chaplains.

Accordingly, we propose to revise 32 CFR Part 65, reading as follows:

PART 65—NOMINATION OF CHAPLAINS FOR THE ARMED FORCES

Sec.
65.1 Reissuance and Purpose.
65.2 Applicability.
65.3 Policy.
65.4 Procedures.
65.5 Responsibilities.

Authority: 10 U.S.C. 643.

§ 65.1 Reissuance and purpose.

This rule reissues this Part and, under 10 U.S.C. 643, establishes the requirements for appointment of military chaplains.

§ 65.2 Applicability.

This rule applies to the Office of the Secretary of Defense, the Military Departments (including their National Guard and reserve components), and the Organization of the Joint Chiefs of Staff (hereafter referred to as "DoD Components"). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

§ 65.3 Policy.

It is DoD policy that professionally qualified chaplains shall be appointed to provide for the free exercise of religion for all members of the Militry Services, their dependents, and other authorized persons. Persons appointed to the chaplaincy shall be able to provide a ministry for their own specific faith groups, as well as facilitate ministries appropriate to the rights and needs of persons of other faith groups. In addition, persons appointed to the chaplaincy shall be capable or providing professional staff support to the Military Department concerned.

§65.4 Procedures.

(a) *Ecclesiastical Endorsement.* (1) To be considerd for appointment and serve as a chaplain, clergy shall be endoresed by a DoD-recognized ecclesiastical endorsing agency, consistent with 10 U.S.C. 643. The ecclesiastial endorsement shall certify that the applicant:

(i) Is a fully qualified member of the clergy of a religious faith group represented by the certifying endorsing agency.

(ii) Is qualified spiritually, morally, intellectually, and emotionally to serve as a chaplain of the Military Services

(iii) Is a member of the clergy who shall provide for the free exercise of religion of all members of the Military Services, their dependents and other authorized persons.

(2) The required ecclesiastical endorsement shall be made on DD Form 2088. If the applicant he completed a number of years of active professional experience after the completion of educational requirements for the chaplaincy, the endorse shall so state on the DD Form 2088.

(b) *Criteria For Ecclesiastical Endorsing Agencies.* (1) Religious faith groups that seek to become ecclesiastical endorsing agencies for the purpose of certifying the professional qualifications of clergy for appointment as chaplains in the Military Services shall obtain DoD recognition through the action of the Armed Forces Chaplains Board (AFCB). To be considered for DoD recognition each religious faith group shall:

(i) Be organized exclusively or substantially for religious purposes.

(ii) Be able to exercise ecclesiastical authority to grant or withdraw ecclesiastical endorsements.

(iii) Have a lay constituency in addition to its cadre of leaders.

(iv) Be able to provide continuing validaton of ecclesiastical endorsements.

(v) Be able to endorse clergy who shall provide for the free exercise of religion of all members of the Military Services, their dependents, and other authorized persons.

(vi) Abide by the applicable regulations and policies of the Department of Defense.

(2) Through the action of the AFCB, the Department of Defense may revoke its recognition of an ecclesiastical endorsing agency that fails to continue to meet the criteria of § 65.4(b)(1) (i) through (vi). The AFCB shall include in its action a notice to the ecclesiastical endorsing agency concerned stating the reasons for the proposed revocation and providing a reasonable opportunity for the agency to reply in writing to the AFCB.

(c) *Education Requirements.* (1) To be considered for appointment as a chaplain in the Military Services an applicant shall:

(i) Possess a baccalaureate degree of not less than 120 semester hours from a college that is listed in the *Education Directory, College and Universities* or from a school whose credits are accepted by a college listed in this Directory.

(ii) Have completed 3 resident years of graduate professional study in theology or related subjects (normally validated by the possession of a Master of Divinity or equivalent degree or 90 semester hours) which lead to ecclesiastical endorsement as a member of the clergy fully qualified to perform the ministering functions of a chaplain.

(2) The applicant must complete professional study at a graduate school that is listed in the Education Directory or the Directory, ATS Bulletin Part 4 or from a school whose credits are accepted by a school listed in the Education Directory or the Directory, ATS Bulletin Part 4.

(d) *Other Requirements.* Applicants for the chaplaincy also shall meet the requirements established by the Military Departments for appointment as an officer and a chaplain.

§ 65.5 Responsibilities.

(a) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* may modify or supplement this rule as appropriate.

(b) The *Secretaries of the Military Departments* shall follow the policy and procedures in this rule and ensure that persons appointed to the chaplaincy meet the minimum professional and educational qualifications prescribed herein, as well as any additional requirements established by law and regulation for appointment as an officer and a chaplain.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

July 28, 1983.

[FR Doc. 83-20617 Filed 8-1-83; 8:45 am]

BILLING CODE 3810-01-M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Post-Vietnam Era Veterans' Educational Assistance Program; Eligibility for Education Loans

AGENCY: Veterans Administration and Department of Defense.

ACTION: Proposed regulations.

SUMMARY: These proposed regulations will implement a provision of the Omnibus Budget Reconciliation Act of 1981 which affects those people receiving educational assistance under the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP). The act provides that these people are no longer eligible for education loans from the VA (Veterans Administration).

DATES: Comments must be received on or before September 1, 1983. In accordance with the Omnibus Budget Reconciliation Act of 1981, it is proposed that the effective date of these changes be October 1, 1981.

ADDRESSES: Send written comments to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection at this address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until September 12, 1983. Anyone visiting Veterans Administration Central Office in Washington, D.C. for the purpose of inspecting any of these comments will be received by the Central Office Veterans Services Unit in room 132. Visitors to VA field stations will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, Washington, D.C. 20420 (202) 389–2092.

SUPPLEMENTARY INFORMATION: Since the educational assistance pilot program is based on VEAP, 38 CFR 21.5292 and 21.5294 are amended to show that participants in the educational assistance pilot program are not eligible for education loans. Section 21.5500, Title 38, Code of Federal Regulations is canceled because VEAP participants are no longer eligible for education loans.

The Veterans Administration and the Department of Defense have determined that these proposed regulations do not contain a major rule as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. The proposal will not result in any major increases in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs and the Secretary of Defense hereby certify that these proposed regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these proposed regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because these proposed regulations will affect only individual benefit recipients. They will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

(The Catalog of Federal Domestic Assistance number for the program affected by these proposed regulations is 64.120)

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: June 20, 1983.

By direction of the Administrator,

Everett Alvarez, Jr.,

Deputy Administrator.

Approved: July 14, 1983.

R. Dean Tice,

LTG, USA, Deputy Assistant Secretary of Defense.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

It is proposed to amend 38 CFR Part 21 as set forth below:

1. In § 21.5292, paragraph (e)(2) is revised as follows:

§ 21.5292 Reduced monthly contributions for certain individuals.

* * * * *

(e) *Application of sections to this portion of the pilot program.*

* * * * *

(2) Except as amended in paragraph (e)(1) of this section, §§ 21.5001 through 21.5300 apply without change to this portion of the pilot program. (Sec. 903, Pub. L. 96–342; 94 Stat. 1115; 38 U.S.C. 1798(a)(2), Pub. L. 97–35, 95 Stat. 782)

2. In § 21.5294, paragraph (d)(3) (v) and (4) is revised and paragraph (d)(3)(vi) is removed so that the revised material reads as follows:

§ 21.5294 Transfer of entitlement.

* * * * *

(d) *Application of sections to this portion of the pilot program.*

* * * * *

(3) * * *

(v) Sections 21.5132 through 21.5300. (38 U.S.C. 1798(a)(2)); PL 97–35, 95 Stat. 782)

(vi) [Reserved]

(4) Sections 21.5131 (a) and (b) does not apply to this portion of the pilot program. (Sec. 903, Pub. L. 96–342, 94 Stat. 1115)

§ 21.5500 [Removed]

3. The centerhead "Education Loans" and §21.5500 are removed.

[FR Doc. 83-20838 Filed 8-1-83; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

A-8-FRL 2408-7

Approval and Promulgation of State Implementation Plans; PSD Redesignation, Fort Peck Reservation

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this notice is to propose approval and seek public comment on the January 24, 1983, request of the Ft. Peck Tribal Council to redesignate the Ft. Peck Reservation in the State of Montana to Class I under EPA's regulations for Prevention of Significant Deterioration of air quality (PSD). Class I applies to areas where only small increases in ambient levels of particulates and sulfur dioxide are allowed.

DATES: Comments due September 1, 1983.

ADDRESSES: Written comments should be addressed to: Richard T. Montgomery, Acting Director, Montana Office, Environmental Protection Agency, Federal Building, 301 S. Park, Drawer 10096, Helena, Montana 59626.

Copies of the Tribes' analysis are available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday at the following office:

Environmental Protection Agency, Montana Office, Federal Building, 301 S. Park, Drawer 10096, Helena, Montana 59626.

Environmental Protection Agency, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295.

FOR FURTHER INFORMATION CONTACT: Thomas O. Harris, Environmental Protection Agency, Federal Building, 301 South Park, Drawer 10096, Helena, Montana 59626 (406) 449–5486.

SUPPLEMENTARY INFORMATION: Part C of the Clean Air Act provides for the prevention of significant air quality deterioration (PSD). The intent of this part is to prevent deterioration of existing air quality, particularly in areas currently considered to be pristine. The Act provides for three basic classifications applicable to all lands of the United States. Associated with each

classification are increments which represent the increase in air pollutant concentrations that would be considered significant. Class I applies to areas in which practically any change in air quality would be considered significant; Class II applies to areas in which deterioration normally accompanying moderate well-controlled growth would be considered insignificant; and Class III applies to those areas in which considerably more deterioration would be considered insignificant. Under the 1977 Amendments to the Clean Air Act all areas of the country that met the national ambient air quality standards were initially designated Class II, except for certain international parks, wilderness areas, national memorial parks and national parks, and any other areas previously designated Class I. The Act allows States and Indian governing bodies to reclassify areas under their jurisdiction to accommodate the social, economic, and environmental needs and desires of the local population.

On January 24, 1983, the Ft. Peck Tribal Council submitted to EPA an official proposal to redesignate the Ft. Peck Reservation from Class II to Class I. The Ft. Peck Reservation is located entirely within the state of Montana. With their request, the Tribal Council submitted an analysis of the impacts of redesignation within and outside of the proposed Class I area, documentation of the delivery and publication of appropriate notices, a record of the public hearing held August 18, 1982, and a discussion of the comments received by the Tribal Council on the proposed designation.

On April 27, 1983, the Regional Adminstrator of EPA Region VIII wrote to the Governor of Montana advising him of the provisions of Section 164(e) of the Clean Air Act. Under that Section, if the State disagrees with the proposed redesignation, the Governor may ask EPA to enter into negotiations to resolve any dispute. The Governor's response, dated May 20, 1983, indicated that the State had no objection to the proposed redesignation.

Following is a discussion of the requirements of redesignation and how the Tribal Council complied with those requirements.

Statutory and Regulatory Requirements of Redesignation

Section 164 of the Clean Air Act and 40 CFR 52.21(g) outline the requirements for redesignation of areas under the PSD program. Section 164(c) provides that lands within the exterior boundaries of reservations of Federally recognized Indian tribes may be redesignated only by the appropriate Indian governing body. Under Section 164(b)(2), EPA may disapprove a redesignation only if it finds, after notice and opportunity for hearing, that the redesignation does not meet the procedural requirements of Section 164 or is inconsistent with Section 162(a) or 164(a). Section 162(a) establishes mandatory Class I areas and Section 164(a) identifies areas that may not be redesignated to Class III. Because of the nature of the area proposed for redesignation to Class I, neither of these Sections prohibit the proposed redesignation.

The statutory and regulatory procedural requirements for a Class I redesignation by an Indian governing body are as follows: (1) Notice must be afforded and a public hearing conducted relating to the area proposed to be redesignated and to areas which may be affected; (2) at least 30 days prior to the public hearing, a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation must be prepared and made available for public hearing notice; (3) prior to any redesignation, the document identified above must be reviewed and examined by the redesignating authorities; (4) if any Federal lands are included in the redesignation, the redesignating authorities must provide written notice to the appropriate Federal land managers and an opportunity to confer and submit written comments and recommendations with respect to the intended notice of redesignation prior to issuance of such notice. A list shall be published of any inconsistency between the redesignation and such written comments and recommendations from any Federal land managers (together with the reasons for making the redesignation against the recommendations of the Federal land manager).

Tribal Council Submittal

The January 24, 1983, request for redesignation includes evidence that all of the statutory and regulatory requirements for redesignation of an Indian Reservation from Class II to Class I have been met by the Tribal Council of the Assiniboine and Sioux Tribes of the Ft. Peck Reservation. The Tribal Council is the Indian governing body for the Ft. Peck Reservation and only lands within the exterior boundaries of the Reservation are proposed for redesignation.

The Tribal Council conducted a public hearing in Poplar, Montana, on August 18, 1982. Notice of the hearing appeared in area newspapers at least 30 days prior to the hearing. A description and analysis of the health, environmental, economic, social and energy effects of the proposed redesignation entitled, "Ft. Peck Tribes' Air Quality Redesignation Report," was completed in June 1982 and its availability was announced in the public hearing notices. In addition, the submittal included evidence that copies of the analysis document were sent to appropriate state, local and federal officials at least 30 days prior to the hearing. Evidence that the Tribal Council consulted with the State and local government officials prior to proposing the redesignation is also included in the submittal. Furthermore, the submittal shows that notice of the Tribal Council's intention to redesignate was sent to appropriate federal, state and local officials as well as relevant organizations, etc., during the summer and fall of 1978. The appropriate federal land managers have not submitted written comments or recommendations to the Tribal Council or EPA that confict with the redesignation. Therefore, the documentation submitted by the Tribal Council shows that all the statutory and regulatory procedural requirments for redesignation have been met.

EPA Proposed Action

Since EPA's review has not revealed any procedural deficiencies, the redesignation is proposed for approval. The public is invited to comment on whether the Tribes have met all of the procedural requirements of Section 164. If there is enough expressed interest, EPA will conduct a public hearing on the matter.

Under 5 U.S.C. 605b,the Administrator has certified that SIP redesignations do not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

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

This notice of proposed rulemaking is issued under the authority of Section 164 of the Clean Air Act (42 U.S.C. 7464).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons.

Dated: June 16, 1983.

Seth C. Hunt,

Acting Regional Administrator.

[FR Doc. 83-20841 Filed 8-1-83; 8:45 am]

BILLING CODE 6560-50-M

[A-3-FRL 2311-5; Docket No. AW203aMD]

40 CFR Part 62

Amendment to the Maryland Plan for Controlling Designated Emissions From Existing Sources

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The State of Maryland submitted a Secretarial Order which contains a compliance schedule for the Westvaco Paper Mill. The schedule requires Westvaco to achieve full compliance with the State's total reduced sulfur (TRS) Regulation by September 1, 1985. EPA proposes to approve the State's Secretarial Order as part of Maryland's Section 111(d) (Clean Air Act) plan to control TRS emissions. This Order meets all of the applicable requirements of 40 CFR Part 60.

DATE: EPA must receive your comments on or before September 1, 1983.

ADDRESSES: Send any comments to: Henry J. Sokolowski, P.E. (3AW12), Chief, MD-DE-DC Metro Section, U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth & Walnut Streets, Philadelphia, PA 19106.

You may inspect copies of the submittal and EPA's evaluation during normal business hours at:

U.S. Environmental Protection Agency, Region III, Air & Waste Management Division, Curtis Building, Sixth & Walnut Streets, Philadelphia, PA 19106.

Maryland Air Management Administration, 201 West Preston Street, Baltimore, MD 21201.

FOR FURTHER INFORMATION CONTACT:

Harold A. Frankford (3AW12), MD-DE-DC Metro Section, U.S. Environmental Protection Agency, Region III, Air & Waste Management Division, Curtis Building, Sixth & Walnut Streets, Philadelphia, PA 19106, Phone: 215/597-8392, Ref: AW203aMD.

SUPPLEMENTARY INFORMATION: On May 11, 1982, 47 FR 20127, EPA approved a plan for the State of Maryland, required by Section 111(d) of the Clean Air Act, to control total reduced sulfur (TRS) emissions from Kraft Pulp Mills. The plan contains one State regulation, COMAR 10.18.14, which controls TRS emissions. The regulation applies to only one source—the Westvaco Fine Papers Division, located in Luke, Maryland. The State's TRS plan and the listing of Westvaco as a TRS source are codified in 40 CFR 62.5110.

On September 24, 1982, the State of Maryland submitted to EPA a Secretarial Order for the Westvaco Corporation's Kraft Pulp Mill. This Order, which EPA will process as a revision to Maryland's Section 111(d) plan to control TRS emissions, would allow Westvaco to come into compliance with COMAR 10.18.14 by September 1, 1985. Specifically, the Order requires Westvaco to do the following:

1. Install by November 1, 1984 an incineration system using the existing lime kiln which will treat noncondensible gases from the digesters and multiple effect evaporation.
2. Install by June 1, 1985, a new TRS continuous monitoring system.
3. Install by September 1, 1985 a new black liquor oxidation system.

The Secretarial Order also allows Westvaco to discharge TRS emissions from the digestors and multiple-effect evaporators directly into the atmosphere for periods not to exceed twenty (20) days per year when the lime kiln is out of operation for regular maintenance. During this 20-day period, Westvaco will utilize a flare to treat TRS emissions from the digestors.

The State submitted proof that a public hearing was held on September 21, 1982 in Cumberland, Maryland, as required by 40 C.F.R. 60.23. According to testimony given by both Westvaco and the State at the State's public hearing, the installation of the black liquor oxidation system will reduce TRS emissions by 97% from the uncontrolled level, and meet the emission limitations contained in COMAR 10.18.14.

EPA Evaluation

Section 10.18.14.03 of COMAR limits total TRS emissions from the entire kraft pulp mill facility (recovery boilers, digesters, evaporators, and smelt tanks) to 0.6 lb/ton of oven dried pulp (ODP). According to information supplied by Maryland on April 25, 1983, the total TRS emissions attributed to the digesters and evaporators, when controlled, amount to 0.002 lb/tons ODP, but the emissions during the kiln shutdown could be relatively significant. EPA suggests that the State demonstrate that such emissions, when controlled with a flare rather than by the kiln, would not result in violations of the emission standard in COMAR 10.18.14.03.

In the April 25, 1983 letter, Maryland has stated that although the lime kiln is physically located in West Virginia, the kiln is inspected by the Maryland Air Management Administration, since the emissions originate from sources located in Maryland and therefore, is subject to COMAR 10.18.14. EPA finds this procedure to be acceptable. Although the compliance schedule in the Secretarial Order contains a date (September 1, 1985) by which the necessary control equipment must be installed, the Secretarial Order does not clearly state whether this data also represents the date by which the Westvaco kraft paper mill will achieve full compliance with COMAR 10.18.14. EPA suggests that the State clarify the significance of the September 1, 1985 date.

Proposed EPA Action

Based on the above information, EPA proposes to approve the State of Maryland's Secretarial Order for the Westvaco Corporation as part of Maryland's Section 111(d) plan to control TRS emissions, with the understanding that the State will clarify both the compliance date an emissions issues. Assuming that these issues will be resolved, EPA believes that, based on the information provided by Maryland, the State's Order conforms to the requirements of 40 CFR Part 60, including the requirement that the compliance schedule adequately reflect consideration of the factors specified in 40 CFR 60.24(d). EPA is soliciting public comments issues discussed in this notice. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the address above.

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

Under 5 U.S.C. 605(b), the Administrator has certified that Section 111(d) approvals do not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 62

Air Pollution Control, Fluorides, Sulfur, Intergovernmental Relations, Reporting and record keeping Requirements.

(Section 111 of the Clean Air Act, as amended (42 U.S.C. 7411)).

Dated February 10, 1983.

Peter N. Bibko,

Regional Administrator.

FR Doc 83-20644 Filed 8-1-83; 8:45 am]

BILLING CODE 6560-50

40 CFR Part 302

[SWH-FRL 2408-2]

Superfund Program; Notification Requirements; Reportable Quantity Adjustments; Designation of Additional Hazardous Substances; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of Comment Period.

SUMMARY: On May 25, 1983, the Environmental Protection Agency (EPA) proposed a regulation to adjust many of the reportable quantities established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), and to clarify notification requirements for releases of hazardous substances under CERCLA. The Agency also published an Advance Notice of Proposed Rulemaking (ANPRM) which identifies options under consideration by the Agency for the designation of additional hazardous substances under CERCLA. In respose to requests from the interested community, the Agency is extending the comment period on the proposed regulation and on the ANPRM from July 25, 1983, to August 25, 1983.

DATES: Comments must be received on or before August 25, 1983.

ADDRESSES: Comments: Comments should be submitted in triplicate to: Emergency Response Division, Docket Clerk, Attention: Docket Number 102RQ (Notification/RQ) or 102 ADD (Designation), U.S. Environmental Protection Agency, 401 M Street, SW., WH-548/B, Washington, D.C. 20460. Docket: Copies of materials relevant to this rulemaking are contained in Room S-325 at the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. The docket is available for review between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday. As provided in 40 CFR Part 2, a reasonalbe fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Dr. K. Jack Kooyoomjian, Chief, Regulation Development Section, Emergency Response Division (WH-548/B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, or the RCRA/Superfund Hotline (800) 424-9346, in Washington, D.C. (202) 382-3000.

SUPPLEMENTARY INFORMATION: On May 25, 1983, EPA proposed a regulation adjusting many of the reportable quantities established under CERCLA and clarifying notification requirements for releases of hazardous substances under CERCLA (48 FR 23552). On that date, the Agency also published an Advance Notice of Proposed Rulemaking, which identifies options under consideration by the Agency for the designation of additional hazardous substances under section 102 of CERCLA (48 FR 23602). The May 25, 1983, notices stated that the comments on the proposal and on the ANPRM were to be submitted by July 25, 1983. The Agency has received several requests for an extension of the comment period to allow industry to fully analyze the relevant methodology and to submit additional data. In order to provide the public sufficient time to examine the data and the rational underlying the proposal and the ANPRM, EPA is extending the comment period until August 25, 1983. This extension will give all members of the public adequate time to comment fully on the proposal and the ANPRM.

The deadline for all comments pertaining to the material published at 48 FR 23552 and 48 FR 23602 on May 25, 1983, is August 25, 1983.

Dated: July 25, 1983.

Lee M. Thomas,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 83-20676 Filed 8-1-83; 8:45 am]

BILLING CODE 6560-50-M

Health Care Financing Administration

42 CFR Parts 405 and 421

Medicare Program; Reduction in the Number of Providers and Health Maintenance Organizations Dealing Directly With HCFA

AGENCY: Health Care Financing Administration (HCFA) HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: These proposed regulations would modify current Medicare rules concerning the option that allows Medicare providers to elect to receive payment directly from HCFA, rather than through an intermediary, for covered services furnished to beneficiaries. The regulations would also give HCFA the authority to make other arrangements to service Health Maintenance Organizations (HMOs) that are presently dealing directly with HCFA. The regulations would clarify that HCFA may contract with any organization for the purpose of making payments to providers and HMOs.

DATE: To assure consideration comments shoud be received by September 1, 1983.

ADDRESS: Address comments in writing to: Health Care Financing Administration, U.S. Department of Health and Human Services, Attention: BPO-28-P, P.O. Box 26676, Baltimore, Maryland 21207.

In commenting, please refer to file code BPO-28-P.

If you prefer, you may deliver your comments to Room 309-G Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, D.C., or to Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

Comments will be available for public inspection as they are received, beginning approximately three weeks after publication, in Room 309-G of the Department's offices at 200 Independence Ave., SW., Washington, D.C. 20201, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202-245-7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final rule we will consider all comments and will respond to them in the preamble to that rule.

FOR FURTHER INFORMATION CONTACT: Norman Fairhurst, (301) 594-9498.

SUPPLEMENTARY INFORMATION:

I. Background

A. Current Situation

In the Medicare program, the Secretary is responsible for making payment to providers of services and other entities for the covered services they furnish to Medicare beneficiaries. The current Medicare regulations give some providers the option of receiving payment either through a fiscal intermediary subject to the consent of both HCFA and the intermediary (Section 1816 of the Social Security Act and 42 CFR 421.103) or directly from HCFA. (42 CFR 421.103). One exception to the above is that freestanding home health agencies (but not those that elect to be serviced directly by HCFA) are assigned to designated regional intermediaries § 1816(e)(4) of the Social Security Act and 42 CFR 421.117). About 220 hospitals, 60 skilled nursing facilities (SNFs), 456 home health agencies, 70 health maintenance organizations (HMOs), 377 federal Hospitals, 21 clinics and agencies furnishing physical therapy services and 7 end-stages renal disease facilities out of the approximately 12,800 providers and other entities that currently participate in the program, receive payment directly through HCFA.

B. Legislation

Section 1816 gives providers the option of nominating an intermediary to determine the proper amount of reimbursement and to make such payments. If the provider declines to exercise the option of nominating an intermediary, section 1874 authorizes the Secretary to reimburse such providers either directly or by contract.

Section 1816 of the Social Security Act was amended in 1977 by the Medicare-Medicaid Anti-Fraud and Abuse Amendments (Pub. L. 95-142). Those amendments authorized the Secretary to assign and reassign providers to intermediaries and to designate regional intermediaries or a national intermediary with respect to a class of providers. (Section 1816(e) (1) and (2) of the Act). As a result of this legislation, HCFA developed a proposal for consolidating HHA workloads using fewer intermediaries.

Section 930(o) of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499) further amended Section 1816(e) of the Act by adding a new paragraph (4), which requires the Secretary to designate regional agencies or organizations that have entered into an agreement under Section 1816 of the Act to perform functions under that agreement for freestanding HHAs (that is, HHAs that are not a subdivision of a hospital) in the region. The statute further requires that if an HHA is hospital affiliated (that is, the hospital and HHA are under common control), the Secretary shall assign that HHA to a regional intermediary only if the Secretary, after applying published criteria relating to administrative efficiency and effectiveness, determines that the assignment would result in the more effective and efficient administration of the Medicare program.

C. Proposed Rule

In August 1981, we announced our plans for implementing section 930(o) of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499). We notified intermediaries and all freestanding HHAs, including freestanding direct-dealing HHAs, in December 1981, of the names of the designated regional intermediaries and the transition schedule. Thereafter, the National Association of Home Health Agencies and various individual HHAs filed suit in Federal district court to enjoin the Secretary from implementing the proposed reassignments.

On February 18, 1982, while the lawsuit was pending in the district court, HCFA published a proposed rule (47 FR 7269) to amend the current regulations concerning the option available to other Medicare providers, such as hospitals, SNFs, and hospital affiliated HHAs, which elect to receive payment directly from HCFA, rather than through an intermediary. We proposed to use fiscal intermediaries under contract with HCFA to service these providers.

D. District Court Order (National Association of Home Health Agencies et al. v. Richard S. Schweiker et al.)

On March 10, 1982 we were enjoined by the U.S. District Court for the District of Columbia from transferring freestanding HHAs serviced by ODR to regional intermediaries. The court required us to proceed with the full rulemaking process to implement the provisions of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499) before we could assign freestanding HHAs that were dealing with a nominated intermediary. Since the court decision impacted on our ability to implement our February 18, 1982 proposed rule, we suspended all efforts to implement a final rule. In compliance with the March 10, 1982 court decision, we subsequently published a proposed rule (47 FR 15370) on April 9, 1982, and we published a final rule (47 FR 38535) on September 1, 1982, which required all freestanding HHAs serviced by nominated intermediaries to be reassigned to designated intermediaries.

E. Subsequent Appellate Court Decision

On September 14, 1982 the United States Court of Appeals for the District of Columbia reversed the lower court's decision and held that under Section 1874 of the Social Security Act, the Secretary has the authority to contract out reimbursement responsibilities and could thereby require direct-dealing freestanding home health agencies to seek reimbursement from designated regional intermediaries. The Court of Appeals' ruling also required HCFA to proceed with a full rulemaking process before transfers to regional intermediaries could be required of direct-dealing HHA providers.

Following this decision, the National Association of Home Health Agencies obtained a stay of the appellate court's mandate and filed a petition for United States Supreme Court review. However, on February 22, 1983, the Supreme Court denied the HHAs' certiorari petition.

II. Revised Proposed Rule

As a result of the court of appeals' decision in *National Association of Home Health Agencies* v. *Schweiker*, we are now revising and expanding our NPRM published on February 18, 1982 (47 EB 7269), in which we proposed contracting out HCFA's direct-dealing function for hospitals, SNFs and hospital-affiliated HHAs. The proposed rule now includes hospitals, SNFs, home health agencies, providers of physical therapy services end-stage renal disease facilities, and HMOs. We have also considered the comments received on the February 18, 1982 proposal in preparing this proposed rule and the specific comments and our responses are included in section III. of the preamble. The major policy provisions behind these proposed regulations are discussed below.

A. Reduction in the Number of Providers Dealing Directly With HCFA

Section 1874 of the Social security Act gives the Secretary the authority to perform directly or by contract any of his or her functions under Medicare. Under that authority, we are proposing to contract out the functions of making payment determinations, disbursing payments, and related activities with respect to providers and other entities that are currently serviced directly by HCFA. Thus, we would require providers and other entities that currently deal directly with HCFA to deal instead with contractors that already are under contract with HCFA or other organizations with whom we expect or determine a need to contract with in the future. However, it is our intention to carefully review each type of provider and other entity now using HCFA to determine the least disruptive and most cost effective arrangement for the long term. Those providers scheduled for transfer would be handled in a phased manner in order to assure an orderly transition.

The decision to use the Secretary's authority to contract out the responsibility for servicing providers is based on considerations that indicate that this would result in the more effective and efficient administration of the Medicare program. HCFA receives and processes approximately 2,100,000 bills per year, plus approximately 970,000 claims per year from provider-based physicians.

We may retain some HCFA direct reimbursement activity such as some multi-State demonstration projects.

We will make every effort to ensure that the transition is carried out smoothly; that there will be no disruption in cash flow, and that there will be no reduction in the level and quality of service. We will also assign an individual in each HCFA Regional Office (a provider Ombudsman) to be responsible for addressing any provider

concerns that might develop during the transition process and thereafter.

HCFA will continue to monitor intermediaries to assure adequacy of performance as required by § 421.120 and 421.122 of current regulations. As we develop the fiscal year 1984 contractor performance evaluation program (CPEP), we will consider the addition of a performance measure to assess the appropriateness of intermediary resolution of issues raised by its providers.

We believe these proposed rules would, in the future, increase our ability to improve administration and program effectiveness for the following reasons:

1. In keeping with the President's goal to contract out to the private sector functions now performed by the government, HCFA wishes to withdraw from the direct claims processing business.

2. We intend to contract with existing or newly established Medicare fiscal intermediaries or other organizations, whose accountants are also specialists in Medicare principles of provider reimbursement. This would permit a consistent application of coverage and reimbursement rules by auditors in those cases where all providers in an area have the same intermediary or intermediaries.

3. There would be bore effective coordination between Medicaid and Medicare. Contracting with local intermediaries can make it easier to achieve consistency concerning coverage decisions, especially incases when an individual is both a Medicare and Medicaid beneficiary.

B. Effect on Providers and Other Entities

These regulations would affect hospitals, SNFs, home health agencies, providers of physical therapy services, end-stage renal disease facilities, and HMOs currently serviced by HCFA.

Where a provider has this right, no change is being made to its right to elect to deal with an available fiscal intermediary of its choice. See 42 CFR 421.104–421–106 for the process involved.

C. Contracting Out the Workload of Freestanding HHAs to Regional Intermediaries

HCFA services approximately 12 percent of the HHAs participating in the Medicare program. Approximately 425 freestadning HHAs would be contracted out to designated intermediaries as a result of implementation of these regulations. This decision was reached after considering the following:

1. *Consolidating the workload*—In each State an intermediary under contract has already been designated to service freestanding HHAs which had elected to be reimbursed by a nominated intermediary (47 FR 38535).

We beleive that contracting out the workload of those freestanding HHAs which had previously elected to be reimbursed directly by HCFA will achieve the goal of both Congress and HCFA to improve the administration of the home health benefit under the Medicare program (Section 940(o) of the Omnibus Reconciliation Act of 1980, Pub. L. 96–499).

The use of statewide intermediaries would also facilitate onsite review of HHAs by the intermediaries. This review has proven to be a significant tool for assuring improved reimbursement determinations and controlling overutilization and overpayments that have been of concern to HCFA and the Congress for some time.

Consistent application of Medicare policies with respect to HHAs within each State would enhance delivery of necessary services by providing a consistent approach to medical policy interpretation and reimbursement for providers, beneficiaries and the home health community.

The designation of one intermediary per State is in keeping with our long range goals of reducing the number of intermediaries in the Medicare program and of consolidating all intermediary workloads in each State with one intermediary. The criteria used for selecting intermediaries included past performance and the ability of the intermediary to assume additional workloads.

2. *Chain Organizations*—Ideally we would prefer that chain organizations choose to deal with designated regional intermediaries. However, we realize that some instances may justify another approach. We recognize that there may be cases in which the degree of centralization of the chain would make it more efficient for a lead intermediary to handle the home office audit and desk review of the chain's providers cost reports, determine the scope of provider audits, and perform final settlement of individual HHA cost reports. The designated intermediaries would have responsibility for provider reimbursement throughout the year based on necessary input from the lead intermediary, provide input to the lead intermediary in terms of provider audit and cost report settlement, and perform the actual field audit work required.

Any chain wishing to avail itself of this alternative would have to present its request in writing to the regional office serving the home office. The request would have to provide information concerning the chain's degree of centralization such as is now required for a single intermediary to service an entire chain of any type. The regional office would evaluate each request and notify the chain in writing of HCFA's determination.

We will also consider allowing HHA chains to be serviced by a single intermediary and, to the extent appropriate, we will make provisions for audit and coverage determinations.

When evaluating the potential of nominated single intermediaries to accommodate home health chains, HCFA would consider: The capacity of the intermediary as it is affected by changes in data processing technology; the cost and/or savings to providers to transfer and operate; economy and timeliness in the delivery of services; conflict of interest between an intermediary and provider; and any additional pertinent factors.

As we mentioned previously, we will assign an individual in each HCFA Regional Office to be responsible for addressing any provider concerns that might arise during both the transition process and thereafter.

We welcome comment from affected providers on these proposed policies.

D. Moratorium for New Providers

In conjunction with the publication of this proposed rule we are encouraging new providers to observe a moratorium on HCFA's availability (execpt for new members of existing chains currently dealing with HCFA) pending publication of the final rule. We believe this will eliminate any administrative difficulties which could occur in later transferring these providers to intermediaries under contract with HCFA.

III. Public Comments

In response to the proposed rules published on February 18, 1981 (47 FR 7269) HCFA received comments from five sources, all representing providers of services. The comments primarily addressed two areas of concern: the lack of legal authority to issue this regulation and the transition schedule.

A. The Lack of Legal Authority

Comment: HCFA's proposal to eliminate ODR and force providers to receive payment from fiscal intermediaries is in violation of the Medicare law and legislative history of the Act.

Response: The United States Court of Appeals for the District of Columbia

indicated in its September 14, 1982 opinion that the Secretary has the authority to contract out its direct deal functions. The Court held that the plain language of Section 1874 of the Social Security Act authorized the Security to use contracts (including intermediaries) to reimburse providers. The court recognized that the legislative history accompanying the original Medicare act clearly suggests that Congress was aware when it enacted the Medicare program in 1965 that the Secretary could "contract out" his or her provider reimbursement functions. Subsequent legislative enactments intended to increase program effectiveness and efficiency generally did so by limiting the ability of providers to select their intermediaries. Thus the court concluded that the proposed rule is consistent with the Medicare statute and its legislative history.

B. Transition Schedule

Comment: A transition period of 6–12 months is recommended to assure proper coordination of bill processing and coverage determinations and to avoid the possibility of payment disruptions.

Response: We plan to coordinate our transition plans with the provider community before we begin transferring providers now served by HCFA to intermediaries on October 1, 1983. We anticipate completing the transfers by September 30, 1984, the end of FY 84. We will make every effort to avoid the possibility of payment disruptions and to assure no interruption to cash flow.

C. Other Comments

One of the intermediaries discussed the inequity of assigning additional workload to intermediaries without additional funding. We recognize the potential increase in costs to some intermediaries and expect to examine those increased costs as part of the normal budget process, making adjustments where necessary.

IV. Implementation

The implementation of this proposed regulation would be based on the following provisions:

A. *Intermediaries Selection*—HCFA would send a notice to each affected provider requesting a preference of intermediary where applicable. Thereafter, a provider having an election right would still be able to elect to deal with an existing fiscal intermediary of its choice, under the usual rules, procedure, timetables, and limitations.

B. *Transfer Schedule*—We plan to begin the transfer process for providers on October 1, 1983, and when possible, to transfer providers at the beginning of their fiscal year. Any provider or group wishing to transfer earlier than October 1, 1983 would be allowed to do so. As providers are transferred to intermediaries, the entire workload for that provider would be transferred, including settling the cost report for the current fiscal year. We will consider the exceptions to the fiscal year concept under special circumstance.

C. *Procedures During the Change-over Period*—Affected providers would be notified, individually, by mail of procedures to follow during the change-over process. We would arrange for an orderly transition of service from HCFA to the contractors.

D. *Assurance of cash flow*—HCFA would make every effort to assure that there would be no interruption of cash flow to providers. We would work closely with the intermediaries and providers to identify and try to resolve problems that could potentially interrupt the cash flow.

E. *Transition costs*—As provided in 42 CFR 405.460(f)(2), administrative cost limits may be adjusted upward for a provider that shows that it incurred higher costs due to extraordinary circumstances beyond its control. Where providers' costs exceed the limits as the result of the reassignment to another intermediary, an exception would be granted provided that the costs are reasonable, attributable to the circumstances specified, separately identified by the provider, and verified by its intermediary.

F. List of Designated Regional Intermediaries To Service Freestanding Home Health Agencies—Below is the list of intermediaries we have previously designated as the regional intermediaries. These designations were published in the preamble to a final rule on September 1, 1982 (47 FR 38535). Except as noted below, each freestanding HHA now serviced by HCFA would be serviced by the intermediary in its State.

Alabama—Blue Cross and Blue Shield of Alabama
Alaska—Blue Cross and Blue Shield of Washington and Alaska
Arizona—Aetna Life and Casualty
Arkansas—Arkansas Blue Cross and Blue Shield, Inc.
California—Blue Cross of Southern California
Colorado—Blue Cross of Colorado
Connecticut—Blue Cross and Blue Shield of Connecticut, Inc.
Delaware—Blue Cross of Delaware
District of Columbia—Group Hospitalization, Inc. (Washington, D.C.)
Florida—Aetna Life and Casualty (Clearwater, Florida)
Georgia—Blue Cross of Georgia/Columbus, Inc.
Hawaii—Hawaii Medical Service Association
Idaho—Blue Cross of Idaho Health Service
Illinois—Health Care Service Corporation (Chicago, Illinois)
Indiana—Mutual Hospital Insurance, Inc. (Indianapolis, Ind.)
Iowa—Blue Cross of Iowa, Inc.
Kansas—Blue Cross of Kansas, Inc.
Kentucky—Blue Cross and Blue Shield of Kentucky, Inc.
Louisiana—Blue Cross of Louisiana
Maine—Associated Hospital Service of Maine
Maryland—Blue Cross of Maryland, Inc.
Massachusetts—Blue Cross of Massachusetts, Inc.
Michigan—Blue Cross and Blue Shield of Michigan
Minnesota—Blue Cross and Blue Shield of Minnesota
Mississippi—Blue Cross and Blue Shield of Mississippi, Inc.
Missouri—Blue Cross Hospital Service, Inc. of Missouri (St. Louis, Missouri)
Montana—Blue Cross of Montana
Nebraska—Mutual of Omaha Insurance Company
Nevada—Aetna Life and Casualty (Reno, Nevada)
New Hampshire—New Hamshire-Vermont Health Services, Inc.
New Jersey—The Prudential Insurance Company of America
New Mexico—New Mexico Blue Cross and Blue Shield, Inc.
New York—Blue Cross and Blue Shield of Greater New York
North Carolina—Blue Cross and Blue Shield of North Carolina
North Dakota—Blue Cross of North Dakota
Ohio—Hospital Care Corporation (Cincinnati, Ohio)
Oklahoma—Blue Cross and Blue Shield of Oklahoma
Oregon—Blue Cross of Oregon
Pennsylvania—Blue Cross of Greater Philadelphia
Rhode Island—Hospital Service Corporation of Rhode Island
South Carolina—Blue Cross and Blue Shield of South Carolina
South Dakota—Blue Cross of Western Iowa and South Dakota
Tennessee—Blue Cross and Blue Shield of Tennessee (Chattanooga, Tennessee)
Texas—Group Hospital Service, Inc. (Dallas, Texas)
Utah—Blue Cross of Utah
Vermont—New Hampshire-Vermont Health Services, Inc.
Virginia—Blue Cross of Southwestern Virginia (Roanoke, Virginia)
Washington—Blue Cross of Washington and Alaska
West Virginia—Blue Cross Hospital Service, Inc. (Charleston, West Virginia)
Wisconsin—Blue Cross/Blue Shield United of Wisconsin
Wyoming—Blue Cross of Wyoming

Certain designated intermediaries will service HHAs across State lines in

keeping with their longstanding service areas in the following cases.

- Group Hospitalization, Inc.—services the District of Columbia; Prince Georges and Montgomery Counties in Maryland; Arlington County, Fairfax County, and the cities of Alexandria, Falls Church and Fairfax in Virginia.
- Blue Cross of Western Iowa and South Dakota—services all of South Dakota and 26 counties in Iowa.
- Oregon Blue Cross—services Oregon and Clark County in Washington, a suburb of Portland.
- St Louis Blue Cross—services Missouri, and Johnson and Wyandotte Counties in Kansas.
- Chattanooga Blue Cross—services Walker, Dade and Catoosa Counties in Georgia.

These service areas do not overlap with those of other designated intermediaries and thus meet the intent of the legislative mandate in Pub. L. 96-499.

G. *Other Entities Dealing Directly with HCFA*—The Contracting out of certain functions presently performed by HCFA for HMOs is currently under study. HMOs, while they are not providers with an election right, are presently serviced by HCFA. This regulation would establish our authority to modify this past practice should we, in the future, choose to contract out some or all of the work.

H. *Kaiser, Inc.*—Kaiser, Inc. would continue to service its providers, pending a decision on its role as an intermediary.

V. Provisions of the Regulation

We propose to amend 42 CFR Part 421 to clarify the application of Section 1874 of the Act to providers that chose not to elect fiscal intermediaries. The amendments would clarify HCFA's authority to contract with intermediaries or other organizations to make payments to those providers that have not elected to exercise the option to deal with an intermediary.

We would designate the current contents of § 421.103 as § 421.103(a), and we would redesignate the contents of the current § 421.103 (a) and (b) as § 421.103(a) (1) and (2). We would add a clause to the contents of the proposed § 421.103(a) (1) to indicate that a provider's election to receive payment directly from HCFA would be subject to § 421.103(b) (which would state that HCFA may contract out its direct payment function). We would make a technical revision to § 421.105(b) as well, to show that a provider's option to receive payment directly from HCFA as provided in § 421.103(a)(1) is subject to § 421.103(b).

We propose to add a paragraph (b) to § 421.103 to state that HCFA may, as it determines it to be appropriate, contract with any organization (including an intermediary with which HCFA has previously entered into an agreement under 42 CFR 421.105 or designated as a regional intermediary under § 421.117) to make payments to any provider or group of providers. The amendments would preserve the option now available to some providers to choose to receive payment through nominated intermediaries, but would modify the providers' option to deal directly with HCFA.

We also propose to revise 42 CFR 421.104(b). We propose to add a new paragraph (b)(2) to clarify that a provider that does not belong to a provider association, or a provider that does not concur with its association's nomination for intermediary, may elect to receive payments from an intermediary with which HCFA already has an agreement if both HCFA and the intermediary agree to it. Current regulations at § 421.104(b) do not specifically state that a single provider may elect to receive payment from an intermediary but rather imply that it may only form a group of two or more providers to nominate an intermediary or receive payment directly from HCFA.

We are also proposing to revise the contents of the current 42 CFR 421.104(b)(2) and redesignate the paragraph as § 421.104(b)(3). Current § 421.104(b)(2) states that providers may exercise their right to receive payment from the Administrator. As we stated earlier, we have the right under Section 1874 of the Act to contract out payment to providers; thus, providers do not have the right to receive payment directly from HCFA. Instead, they may elect to receive payment from us directly. Section 421.104(b)(3) would show that providers may elect to receive payment directly from HCFA as provided in §421.103, which states that HCFA may contract out its direct-payment function.

We are also proposing a technical revision to 42 CFR 421.104(b). We would change the title of § 421.104(b) from Nomination by members or nonconcurring members to Action by nonmembers or nonconcurring members to reflect that a single provider may elect to deal with an intermediary or with HCFA. The use of word "action" instead of "nomination" is consistent with the language in § 421.103, which concerns provider options to elect to deal through an intermediary or directly with HCFA. "Nomination" is a more restrictive term in these regulations and concerns only provider associations' choice of intermediary.

We are proposing two revisions to 42 CFR 421.117, which concerns designation of regional intermediaries for freestanding home health agencies. Currently, we designate regional intermediaries under section 1816(e)(4) of the Act. We are proposing to contract out with the regional intermediaries designated under section 1816(e)(4) of the Act so that each regional intermediary would be the intermediary for all freestanding HHAs within its region. First, we would change in § 421.117(a) the basis for the section to include Section 1874 of the Act; that is, regional intermediaries would be designated under both Section 1816(e)(4) and Section 1874 of the Act.

The second revision to 42 CFR 421.117 would revise paragraph (b) to require all freestanding HHAs, including those that elect to receive payment directly from HCFA, to receive payment through regional intermediaries designated by HCFA.

We also propose to amend 42 CFR Part 405, Subpart T to show that HCFA may, at its option, use a contractor to carry out the activities it presently performs for HMOs.

We are also proposing some technical changes to 42 CFR Part 421:

1. We are adding language to 42 CFR 421.1, Basis and Scope, to clarify that Section 1874 of the Act is one of the bases of Part 421 and that the statute and regulations permit HCFA to perform certain functions directly or by contract.

2. We proposed to delete the definition of "the Administrator" from the definitions section (§ 421.3) and to revise all references to "the Administrator" to "HCFA". For consistency, we are changing all references to "he or she" and "his or her" to "it" and "its", respectively.

VI. Impact Analyses

A. Executive Order 12291

Executive Order 12291 requires us to prepare and make available to the public a regulatory impact analysis for any regulations likely to have an annual effect on the economy of $100 million or more, cause a major increase in costs or prices, or meet other threshold criteria specified in section 1(b) of the Order. We have determined that these proposed rules do not meet the criteria for "major rule" in section 1(b). Therefore, a regulatory impact analysis is not required.

We believe these proposed rules would, in the future, increase our ability to improve administration and program effectiveness. However, we expect relatively minor one-time

implementation costs. Although the magnitude of the effects of the proposed rules cannot be accurately predicted, they would be substantially smaller than $100 million per year, and would not meet any other "major rule" criteria.

B. Regulatory Flexibility Act

The Secretary certifies, under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that these proposed regulations would not have a significant impact on a substantial number of small entities. That Act requires us to prepare and make available to the public an initial regulatory flexibility analysis, under 5 U.S.C. 603(b), unless the Secretary so certifies. The purpose of the analysis would be to explain the expected impact of the proposed regulations and to analyze alternatives that might reduce negative effects of regulations on small entities. (A small entity is a small business, a nonprofit enterprise, or a governmental jurisdiction with a population of less than 50,000.)

For purposes of regulatory flexibility analysis, we consider all providers and other entities participating in Medicare to be small entities. We estimate that these proposed rules would affect the following entities who are still serviced by HCFA:

220 Hospitals.
80 Skilled nursing facilities.
456 Hospital-affiliated and freestanding HHAs.
21 Providers of physical therapy services.
7 End-stage renal disease facilities.
70 Health maintenance organizations.
377 Federal hospitals.

Therefore, it is clear that a substantial number of small entities would be affected.

However, we have determined that the impact on affected entities will not be significant. We are minimizing the impact of these proposals by making every effort to assure continued cash flow, basing reassignment on established cost reporting periods, and providing exceptions for providers that have costs exceeding their cost limits as a result of reassignment. Therefore, a regulatory flexibility analysis is not required.

VII. Response to Comments

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments and respond to them in the preamble to that rule.

List of Subjects

42 CFR Part 405

Administrative practice and procedure, Certification of compliance, Clinics, Contracts (Agreements), End-Stage Renal Disease (ESRD), Health care, Health facilities, Health maintenance organizations (HMO), Health professions, Health suppliers, Home health agencies, Hospitals, Inpatients, Kidney diseases, Laboratories, Medicare, Nursing homes, Onsite surveys, Outpatient providers, Reporting requirements, Rural areas, X-rays.

42 CFR Part 421

Administrative practice and procedure, Contracts (agreements), Courts, Health care, Health facilities, Health maintenance organizations (HMO), Health professions, Information (disclosure), Lawyer, Medicare, Professional Standards Review Organizations (PSRO), Reporting requirements.

A. 42 CFR Part 405 is amended as set forth below:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Part 405, Subpart T is amended as follows:

Subpart T—Health Maintenance Organizations

Authority: Sec. 1102, 1871, and 1876, 49 Stat. 647, as amended, 79 Stat. 331, 86 Stat. 1396 (42 U.S.C. 1302, 1395hh, and 1395mm).

Section 405.2001(a) is amended by revising paragraph (a) as follows:

§ 405.2001 Health maintenance organizations; general.

(a) *Introduction.* The regulations in this Subpart T set forth the requirements which an organization must meet in order to be eligible to enter into a contract with the Secretary as a health maintenance organization (HMC) under the health insurance program for the aged and disabled (title XVIII of the Social Security Act) and to be reimbursed through capitation payments for covered items or services the organization furnishes title XVIII beneficiaries who have enrolled with it. Any references in this subpart to functions being performed by HCFA may at HCFA's option be performed directly by HCFA or by contract.

* * * * *

B. 42 CFR Part 421 is amended as set forth below:

PART 421—INTERMEDIARIES AND CARRIERS

1. The Table of Contents is amended as follows:

Sec.

* * * * *

Subpart B—Intermediaries

* * * * *

421.114 Assignment and reassignment of providers by HCFA.

* * * * *

Authority: Sec. 1102, 1815, 1816, 1842, 1861(u) 1871, 1874 and 1875 of the Social Security Act (42 U.S.C. 1302, 1395g, 1395h, 1395u, 1395x(u), 1395hh, 1395kk, and 1395ll, and 42 U.S.C. 1395b-1.

2. In addition to revisions noted below, all references to "the Administrator" in Part 421 are revised to read "HCFA."

3. Part 421, Subpart A is amended as follows:

Subpart A—Score, Definitions and General Provisions

a. Section 421.1 is revised to read as follows:

§ 421. Basis and scope.

(a) This part is based on sections 1815, 1816, 1842, and 1874 of the Social Security Act and 42 U.S.C. 1395b-1 (experimental authority).

(b) The provisions of this part apply to agreements with Part A (Hospital Insurance) intermediaries and contracts with Part B (Supplementary Medical Insurance) carriers. They specify criteria and standards to be used in selecting intermediares and evaluating their performance; in assigning or reassigning a provider or providers to particular intermediaries; in designating regional or national intermediaries for certain classes of providers; and in permitting HCFA to perform certain functions directly or by contract. The provisions set forth the opportunity for a hearing for intermediaries and carriers affected by certain adverse actions. The adversely affected intermediaries may request a judicial review of hearings decisions on (1) assignment or reassignment of a provider or providers or (2) designation of an intermediary or intermediaries to serve a class of providers.

§ 421.3 [Amended]

b. Section 421.3 is amended by removing the definition of "Administrator".

4. Part 421, Subpart B is amended as follows:

Subpart B—Intermediaries

a. Section 421.100 is amended by revising paragraph (g) as follows:

§ 421.100 Intermediary functions.

* * * * *

(g) *Information and reports.* The intermediary must furnish to HCFA any information and reports that HCFA requests in order to carry out its responsibilities in the administration of the Medicare program.

* * * * *

b. Section 421.103 is revised as follows:

§ 421.103 Option available to providers.

(a) A provider may elect to receive payment for covered services furnished to Medicare beneficiaries:

(1) Directly from HCFA (subject to the provisions of paragraph (b) of this section); or

(2) Through an intermediary, when both HCFA and the intermediary consent.

(b) Whenever HCFA determies it appropriate, it may contract with any organization (including an intermediary with which HCFA has previously entered into an agreement under § 421.105 and § 421.110 or designated as a regional intermediary under § 421.117) for the purposes of making payments to any provider that does not elect to receive payment from an intermediary.

c. Section 421.104 is amended by revising the introductory language of paragraph (b), by revising paragraph (b)(2), and by adding a new paragraph (b)(3) as follows:

§ 421.104 Nominations for intermediary.

* * * * *

(b) *Action by nonmembers or nonconcurring members.* Providers that nonconcur in their association's nomination, or are not members of an association, may:

* * * * *

(2) Elect to receive payments from a fiscal intermediary with which HCFA already has an agreement, if HCFA and the intermediary agree to it (see § 421.106); or

(3) Elect to receive payment from HCFA as provided in § 421.103.

d. Section 421.105 is amended by revising paragraph (b) as follows:

§ 421.105 Notification of action on nomination.

* * * * *

(b) Any member of a group or association having more than one nominated intermediary approved by HCFA to act on its behalf shall withdraw its nomination from all but one or exercise the option provided in § 421.103(a), subject to § 421.103(b), HCFA.

e. Section 421.106 is amended by revising paragraph (b) as follows:

§ 421.106 Change to another intermediary or to direct payment.

* * * * *

(b) If HCFA finds the change is consistent with effective and efficient administration of the program and approves the request under paragraph (a) of this section, it will notify the provider, the outgoing intermediary and the newly elected intermediary (if any) that the change will be effective on the first day following the close of the fiscal year in which the request was filed.

f. Section 421.114 is amended by revising the title and introductory paragraph as follows:

§ 421.114 Assignment and reassignment of providers by HCFA.

HCFA may assign or reassign any provider to any intermediary if it determines that the assignment or reassignment will result in more effective and efficient administration of the Medicare program. Before making this determination HCFA will consider:

* * * * *

g. Section 421.116 is amended by revising paragraph (a) as follows:

§ 421.116 Designation of national or regional intermediaries

(a) After considering intermediary performance measured against the criteria and standards specified in §§ 421.120 and 421.122 HCFA may designate a particular intermediary to serve a class of providers nationwide or in any geographic area it defines. HCFA may make this designation if it determines that the designation will result in a greater degree of effectiveness and efficiency in the administration of the Medicare program than could be achieved by an assignment of providers to an intermediary preferred by the providers.

h. Section 421.117 is revised as follows:

§ 421.117 Designation of Regional for Freestanding Home Health Agencies

(a) This section is based on section 1816(e)(4) of the Social Security Act which requires the Secretary to designate regional intermediaries for freestanding home health agencies (HCFAs), and on Section 1874 of the Act, which permits HCFA to contract with any organization for the purpose of making payments to any provider that elects to receive payment directly from HCFA.

(b) Subject to paragraph (c) of this section, freestanding HHAs that elect to receive payment for covered services furnished to Medicare beneficiaries either directly from HCFA under § 421.103(a)(1) or through an intermediary under § 421.103(a)(2) of this subpart must receive payment through a regional intermediary designated by HCFA.

(c) An HHA chain may elect to use a single intermediary if HCFA determines the choice to be more effective and efficient.

Dated: May 2, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: July 12, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83-20511 Filed 8-1-83; 8:45 am]

BILLING CODE 4120-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

[CC Docket No. 81-216; RM-3206; RM-3227; RM-3283; RM-3316; RM-3329; RM-3348; RM-3501; RM-3526; RM-3530; RM-4054; RM-2845; RM-2930; RM-3195]

Petitions Seeking Amendment of the Commission's Rules Concerning Connection of Telephone Equipment, Systems and Protective Apparatus to the Telephone Network; and Inquiry into Standards for Inclusion of One and Two-Line Business and Residential Service in Part 68 of the Commission's Rules; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposal rule; extensions of comment/reply comment period.

SUMMARY: In *Third Notice of Proposed Rulemaking*, CC Docket 81-216, FCC 83-268, 48 FR 29014, June 24, 1983 the Commission ordered the unbundling of digital network channel terminal equipment and sought comments on the establishment of technical standards to permit the attachment of such equipment to the telephone network. Comments were due on July 29, 1983 and reply comments on August 19, 1983. In response to a motion for extension of time filed by the GTE Service Corporation the Commission has extended the date for filing comments until August 26, 1983 and for reply comments until September 19, 1983.

DATES: Comments are due on August 26, 1983 and reply comments on September 19, 1983.

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

FOR FURTHER INFORMATION CONTACT: Patrick Donovan, Esq., Domestic Services Branch, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202) 634-1832.

Order

Adopted: July 26, 1983.

Released: July 27, 1983.

By the Chief, Common Carrier Bureau:

1. Before the Chief, Common Carrier Bureau is a motion for extension of time in the above-captioned proceedings filed by GTE Service Corporation (GTE). It reqests an extension for comments and reply comments to September 27, 1983, and October 27, 1983, respectively. Comments are currently due on July 29, 1983, and reply comments on August 17, 1983.

2. In support of the requested extension GTE states that in this proceeding in *Third Notice of Proposed Rulemaking*, CC Docket No. 81-216, FCC 83-268, released June 14, 1983, the Commission ordered the unbundling of digital network channel terminal equipment (NCTE) and sought comments on the establishment of technical standards to permit the attachment of such equipment to the telephone network under the Part 68 registration program. GTE points out that the American Telephone and Telegraph Co. (AT&T) was directed to file tariffs on July 25, 1983, accomplishing such unbundling. These tariffs are to include technical standards for the connection of such equipment pending the final resolution of the technical standards issue. *Third Notice of Proposed Rulemaking, supra*, paragraphs 45-46. GTE argues that AT&T's tariffs will be relevant to the issues contained in this proceeding but that the current due dates for comments will not permit interested parties sufficient time to review AT&T's July 25, 1983 filing. Further, it contends that the due dates established by the Commission do not provide sufficient time for interested parties to informally resolve any disagreements. It states other parties to the proceeding are not opposed to the extension.

3. It appears that a limited extension will not unduly delay the expeditious conclusion of this docket. We will therefore extend the date for comments until August 26, 1983, and for reply comments until September 19, 1983.

4. Accordingly, it is ordered, that the date for filing comments is extended until August 26, 1983 and for reply comments until September 19, 1983.

James R. Keegan,

Chief, Domestic Facilities Division.

[FR Doc. 83-20918 Filed 8-1-83; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 76

[MM Docket No. 83-331; RM-3676]

Fairness Doctrine and Political Cablecasting Requirements for Cable Television Systems

AGENCY: Federal Communications Commission.

ACTION: : Proposed rule; extension of comment/reply comment period.

SUMMARY: Commission partially grants motion filed by Media Access Project for additional time to file initial and reply comments in MM Docket No. 83-331, which concerns the Fairness Doctrine and "equal time" obligations applicable to cable systems, on the basis that such additional time should more than adequately provide a sufficient opportunity for interested persons to participate fully in this proceeding.

DATES: Comment and reply comment dates extended to August 25, 1983, and October 11, 1983, respectively.

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

FOR FURTHER INFORMATION CONTACT: Stephen A. Bailey, Mass Media Bureau, (202) 632-7792.

Order Extending Comment and Reply Comment Filing Periods

Adopted: July 19, 1983. Released July 22, 1983.

By the Chief, Policy and Rules Division.

1. On March 31, 1983, the Commission adopted a *Notice of Proposed Rule Making*, FCC 83-130, 48 FR 26472, June 8, 1983 in the above-entitled matter soliciting comment on all aspects of the fairness and political cablecasting requirements for cable television systems (47 CFR 76.205 and 76.209), including their practical effect on cable operators, cablecasters and the public, and on whether the rules can or should be modified, eliminated or retained.

2. On June 2, 1983, Media Access Project ("MAP"), pursuant to §1.46 of the Rules, filed a motion requesting that the initial comment period in this proceeding be exended from July 25, 1983, to October 25, 1983, and the reply comment period from August 25, 1983, to December 27, 1983.[1] On June 24, 1983, the Telecommunications Research and Action Center ("TRAC") filed comments in support of MAP's motion. MAP's motion is unopposed.

3. In support of its motion, MAP states that the application of the Fairness Doctrine and the "equal time" rules to cable television is an issue both vital to the public interest and complex in nature as well as of increasing importance as cable television penetrates an increasing number of American homes. MAP also points out that there exists little relevant literature in this subject area and virtually no case law applying the rules at issue to specific disputes As a result, MAP contends that fully responsive comments will require several months of focused study, research and policy formulation. Moreover, petitioner argues that the existing filing deadlines in this proceeding conflict with the schedules of other critical proceedings dealing with closely related matters, including comprehensive cable legislation currently before the Congress (S.66) and the Commission's own separate rule making action addressing the personal attack and political editorializing rules (Gen. Dkt. No. 83-484). This conflict will, in MAP's view, strain the resources of many parties interested in this proceeding and may preclude their development and submission of comments which would significantly aid the Commission in its review of the rules. Finally, MAP argues that the reduced summer schedule of the Commission and the fact that a fifth Commissioner has not been appointed yet suggest there is little likelihood of rapid Commission action which would be deterred by grant of the requested extension of time.

4. We agree that the issues raised in the *Notice* are complex and will require careful study and consideration by those intending to participate in this proceeding. We also agree that the concurrency of this proceeding and that in Gen. Dkt. No. 83-484 and other related communications policy matters may significantly burden the resources of potentially interested parties. We note, however, that we have already afforded a substantial comment period in this proceeding and that the press of other telecommunications matters before this agency and the Congress has been alleviated to some extend by the limited extension of the time already

[1] On July 11, 1983, we received a motion filed by the Office of Communication of the United Chuch of Christ (UCC") requesting that the time for filing initial comments and reply comments in this proceeding be extended to August 25, 1983, and September 16, 1983, respectively. In view of our disposition of MAP's request, we hereby dismiss UCC's motion as moot.

granted in Gen. Dkt. No. 83-484 and the passage of S.66 by the Senate. Balancing these various considerations, we believe a limited extension of time to August 25, 1983, for initial comments and to October 11, 1983, for reply comments should more than adequately enable MAP and other interested parties to participate fully in this proceeding.

6. Accordingly, it is ordered, That the date for filing initial comments in the above-entitled proceeding is extended to August 25, 1983, and that the date for filing reply comments is extended to October 11, 1983.

7. It is further ordered, That the motion for extension of time filed by Media Access Project is granted to the extent indicated above and is othewise denied.

8. This action is taken by the Chief, Policy and Rules Division, Mass Media Bureau, pursuant to authority delegated by §§ 0.204(b) and 0.283 of the Commission's Rules (47 CFR 0.204(b) and 0.283).

Federal Communications Commission

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-20917 Filed 8-1-83; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 90

[Docket 21229; FCC 83-331]]

Inquiry Into the Practices and Procedures for Spectrum Management in the Land Moblie Services Governed by Parts 89, 91, and 93 of the Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Order terminating proceeding.

SUMMARY: The FCC is terminating Docket 21229 concerning the practices and procedures for spectrum management in the land mobile services governed by Part 90 since the issues involved in this proceeding have been rendered moot by subsequent Commission actions (May 20, 1977, 42 FR 26029).

FOR FURTHER INFORMATION CONTACT: Eugene Thomson or Herbert Zeiler, Private Radio Bureau, (202) 634-2443.

Order Terminating Proceeding FCC 83-331.

In the matter of inquiry into the practices and procedures for spectrum management in the Land Mobile Services covered by Parts 89, 91, 93 of the Commission's Rules, Docket No. 21229, FCC 83-331.

Adopted: July 14, 1983.

Released: July 25, 1983.

By the Commission.

1. In the Notice of Inquiry released on May 17, 1977, in the above entitled matter, the Commission requested comments on its program of spectrum management which included the development of a nationwide private land mobile base, a computerized frequency selection program for the Chicago Region, and spectrum monitoring to collect channel utilization statistics. In addition, the Notice of Inquiry indicated that a separate proceeding concerning the issue of frequency coordination would be initiated at a later date.

2. The issues in this proceeding have been either resolved or rendered moot by subsequent Commission actions. Thus, the Private Radio Bureau is now in the process of developing a nationwide land mobile radio data base; the Chicago Region experiment has been terminated, negating the need for its computerized frequency selection program; and spectrum monitoring for the purposes of collecting channel utilization statistics is performed periodically by the Commission on an "as-needed" basis. Additionally, the subject of frequency coordination issues in the private land mobile radio services is being examined in a new proceeding, which we are commencing today in PR Docket No. 83-737. Consequently, we are terminating this proceeding without any further action.

3. In view of the foregoing, it is ordered, pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, that this proceeding is terminated without further action.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-20880 Filed 8-1-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Loxahatchee National Wildlife Refuge; Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed special regulations; request for comment.

SUMMARY: This document proposes two alternative sets of special hunting regulations for certain big game on the Loxahatchee National Wildlife Refuge, Florida. These regulations are being proposed to insure that any activities permitted are compatible with refuge purposes. The first alternative described would permit access to the designated hunt area by air-thrust boats. The second alternative does not permit airboat access. These regulations are necessary to supplement the existing general regulations in Title 50. The intended effect of this proposed action is to implement a regulatory framework for hunting white-tailed deer on the refuge. Special regulations are needed to authorize this hunt, and deer hunting will not be permitted without them.

DATES: Comments on this proposed rule must be submitted on or before September 1, 1983.

ADDRESSES: Send comments to Associate Director, Wildlife Resources, U.S. Fish and Wildlife Service, 18th and C Streets, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: James W. Pulliam, Jr., Regional Director, U.S. Fish and Wildlife Service, 75 Spring Street, SW, Atlanta, GA 30303 (Telephone 404-221-3588); or James F. Gillett, Chief, Division of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (Telephone 202-343-4311).

SUPPLEMENTARY INFORMATION: The name, address and telephone number of the Refuge Manager is Burkett S. Neely, Loxahatchee National Wildlife Refuge, Route 1, Box 278, Boynton Beach, FL 33437 (Telephone 305-732-3684). John Oberheu, U.S. Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring St., SW, Atlanta, GA 30303 (Telephone 404-221-3538) and Richard Frietsche, Division of Refuge Management, U.S. Fish and Wildlife Service, 18th and C Streets, NW., Washington, D.C. 20240 (Telephone 202-343-3719), are the primary authors of this document.

General

In 50 CFR 32.31 the Service has established a list of refuges that have been opened to the hunting of big game. In a final rulemaking issued Monday, May 16, 1983, (48 FR 21957), the Loxahatchee National Wildlife Refuge was added to the list of open areas: big game. Special hunting regulations are issued in accordance with 50 CFR 32.3 after the opening of an area. This rule proposes special hunting regulations that are more restrictive than those set by the State of Florida. The Fish and

Wildlife Service solicits public comment on these proposed regulations. Comments received will be taken into consideration before final regulations are issued.

The Service is considering a hunt that would permit airboat access for hunters on the last two days of the proposed six-day hunt. Since there has been some controversy about possible adverse effects to refuge habitat from airboat access, the Service has undertaken to gather all available information relative to probable effects of airboats on Everglades habitat. A decision on whether or not hunting and airboat access will be permitted will be made when the final rule on these special regulations is issued. In order to assemble all available information on the subject, and to assure that the conditions of possible airboat use can be known, the regulations contain two possible alternatives: one with and one without the use of airboat access. Public comments are requested relative to either or both alternate sets of regulations.

The Service proposes to issue revisions to Title 50, Code of Federal Regulations, later ths year that would make these regulations permanent in nature. Permanent regulations will be codified in 50 CFR 32.32.

Several determinations and certifications are required under this rulemaking. These requirements are discussed in the following sections.

Conformance With Statutory and Regulatory Authorities

The opening of any refuge to hunting requires compliance with two Federal laws, the National Wildlife Refuge System Administration Act (NWRSAA) and the Refuge Recreation Act. Section 4(d)(1)(A) of NWRSAA) authorizes the Secretary, under such regulations as he may prescribe, to permit the use of any area within the System for any purpose, including but not limited to hunting, whenever he determines that uses are compatible with the major purposes for which such areas were established.

Loxahatchee National Wildlife Refuge (NWR) was established on June 8, 1951, under the basic authority of the Migratory Bird Conservation Act of 1929.

The majority of the land within the refuge, 143,085 acres, is leased from the South Florida Water Management District. In addition, the Fish and Wildlife Service owns, in fee title, 2,551 acres. The refuge was established as a Wildlife Management Area and for the purpose of promoting the conservation of wildlife, fish, and game and for other purposes embodying the principles and objectives of planned multiple land use.

Restrictions are being proposed to insure that hunting white-tailed deer on the refuge would be compatible with the purposes for which the refuge was established. The hunting area would be limited to the northern 50,500-acre section of the Loxahatchee NWR. By restricting hunting to the northern 35 percent of the refuge, potential conflict with other refuge uses and wildlife would be minimized. The proposed regulations provide for a hunt of limited duration with weapon restrictions and permit quotas. Total harvest would not be permitted to exceed the annual recruitment estimate based on annual population surveys.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer areas within the National Wildlife Refuge System for public recreation as an appropriate use to the extent that it is feasible and not inconsistent with the primary objectives for which the area was established. In addition, the Act requires that such recreational uses not directly related to the primary purposes of the individual areas may not be permitted until the Secretary determines, "(a) that such recreational use will not interfere with the primary purposes for which the areas were established, and (b) that funds are available for the development, operation, and maintenance of these permitted forms of recreation." Time and space restrictions on hunting are being proposed to insure that the permitted activities would not interfere with refuge primary purposes. In fiscal year 1983, $115,000 was allocated in the Interpretation and Recreation Program for the Loxahatchee Refuge, and a similar amount is anticipated in fiscal year 1984. A portion of this funding would be used to administer the deer hunting program.

Information Collection Requirements

The Paperwork Reduction Act (Pub. L. 96–511) requires each information collection requirement to display an Office of Management and Budget (OMB) clearance number and contain a statement to inform the person receiving the request why the information is being collected, how it is to be used, and whether responses to the request are voluntary, mandatory or required to obtain a benefit. The Service has received approval from the OMB for the information collection requirements of these regulations. These requirements are presently approved under the OMB approval number cited below and codified in 50 CFR 32.41.

Type of information collection	OMB approval No.
Hunter Survey	1018-0044
Special Use Permits	1018-0046

These regulations impose no new reporting or recordkeeping requirements that must be cleared by the Office of Management and Budget. The information is being collected to enable the Service to fairly and scientifically administer the hunt. The information will be used to allocate available hunting opportunities and collect information useful in managing the deer herd. Response is mandatory to obtain a permit and participate in the hunt.

Environmental Effects

The publication of this proposed rule requires a determination as to whether it constitutes a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)). The "Final Environmental Statement for the Operation of the National Wildlife Refuge System" (FES 76–59) was filed with the Council on Environmental Quality on November 12, 1976, and a notice of availability was published in the **Federal Register** on November 12, 1976, (41 FR 51131). An environmental assessment was prepared for this proposed action and is availablefor public inspection and copying in room 2341, Department of the INTERIOR, 18TH AND C Street, NW., Washington, DC 20240 or by mail, addressing the Associate Director at the address above.

A determination has been made that this action will not have a significant effect on the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969. This determination is based on the following: (1) The proposed hunt directly affects only a single refuge in one State; (2) the action is pursuant to a longstanding congressional authorization to open refuges to hunting, and makes no significant change of existing policies nor does it set a precedent for future ones; (3) hunting is an accepted tool of scientifically based wildlife management and, properly administered will cause no long term adverse effects to wildlife populations; no geological or meterological changes are likely to be cause; no permanent changes to the features of the land itself are envisioned; no relocation of persons, homes or commercial property is involved; (4) annual deer hunts will be governed by regulations on which the public has an opportunity to comment. Restrictions are being proposed to

insure that hunting white-tailed deer on the refuge would be compatible with the purposes for which the refuge was established. The hunting area would be limited to the northern 50,500-acre section of the Loxahatchee NWR. By restricting hunting to the northern 35 percent of the refuge, potential conflict with other refuge uses and wildlife would be minimized. The regulations provide for a hunt of limited duration with weapon restrictions and permit quotas. Total harvest would not be permitted to exceed the annual recruitment estimate based on annual population surveys.

Statement of Effects and Certification of Effects on Small Entities

Publication of this rule requires a "statement of effects" and a "certification of effects on small entities" in accordance with Executive Order 12291 of February 17, 1981, (E.O. 12291) and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), respectively. Under E.O. 12291, a Federal agency is required to prepare regulatory impact analysis in connection with every major rule or regulation that is designed to implement, interpret, or prescribe law or policy, or describe procedural or practice requirements of that agency. A rule is "major" if it 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 on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets." Under the Regulatory Flexibility Act, a small entity flexibility analysis (SEFA) is required where a rule has a significant economic effect on a substantial number of small entitites. In determing whether a rule will have a significant effect on a substantial number of small entities several factors, including demographic effects, direct and indirect costs, enforcement costs, competitive effects and aggregate effects, may be considered.

It is estimated that the hunting of big game on Loxahatchee NWR will result in a maximum total of 600 hunter visits (3 two-day hunts with a maximum daily total of 100 hunters). Based on data contained in the 1980 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, it is estimated that the average big game hunter spends approximately $25 per day in purchases of food, hunting equipment, fees, licenses etc. Assuming maximum total participation of 600 hunters in the Loxahatchee deer hunt program, it can be estimated that these individuals will generate approximately $15,000 in total expenditures through participation in a big game hunting program on the refuge.

This rule would have a positive secondary economic effect on small, independently-owned sporting good stores, firearms manufacturers, local gasoline filling stations, providers of meals and overnight accommodations. This rule will not result in additional costs to these small businesses. As indicated above, the aggregate economic effect on these small, independently-owned and operated businesses in positive. While the precise number of businesses affected by this rule cannot be determined, the fact that the estimated aggregate economic effect will be seasonal in nature and limited in areas indicates that these effects will not be significant.

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

List of Subjects in 50 CFR Part 32

Hunting, National Wildlife Refuge System, Wildlife, Wildlife refuges.

The Service is considering a hunt that would permit airboat access for hunters on the last two days of the proposed six-day hunt. Since there has been some controversy about possible adverse effects on refuge habitat from airboat access, the Service has undertaken to gather all available information relative to probable effects of airboats on Everglades habitat. A decision on whether or not airboat access will be permitted will be made prior to the final rulemaking. In order to assemble all available information on the subject before the final decision is made, two possible versions of the regulations are proposed: one with and one without airboat access. Public comments are solicited on both alternative sets of regulations. Public comments suggesting or utilizing additional proposals for regulations are also solicited.

PART 32—HUNTING

Accordingly, it is proposed to amend 50 CFR 32.32 by adding either of the following alternatives:

Loxahatchee National Wildlife Refuge

Alternative I—With Airboats

Florida

§ 32.32 Special regulations; big game; for individual wildlife areas.

(a) General.
(b) Species permitted to be taken and bag limit.
(c) Harvest restrictions.
(d) Season.
(e) Permit requirements.
(f) Location of the hunt area.
(g) Point of entry.
(h) Check stations and tagging.
(i) Data collection.
(j) Dogs.
(k) Stands.
(l) Other general rules.
(m) Specific hunts.
(n) Safety regulations.
(o) Information collection.

(a) *General.* Deer hunting is permitted on the northern, 50,500-acre section of Loxahatchee National Wildlife Refuge. Hunting is confined to three weekends, for a total of six days annually. The first weekend is limited to primitive weapons (bow and arrow and muzzleloader); during the second weekend hunters may use general guns. During both weekends hunters may obtain access by non-motorized and motorized boats other than airboats. During the third weekend hunters may use rifles, with access by air-thrust boats. A maximum of six hundred hunters, one hundred per day, will be issued permits.

If the number of applicants exceeds the number of available permits, random drawings will be used to distribute the permits in an equitable manner. Interested public should contact the refuge manager for more details on how hunting opportunities will be allocated. The portion of the refuge open to hunting will be closed to other public use activities during the hunt. In addition to the special regulations set out here, hunters must comply with all State hunting laws and regulations that are not inconsistent with the special regulations.

(b) *Species permitted to be taken and bag limit.* One white-tailed deer, either sex.

(c) *Harvest restrictions.* Total harvest will not be permitted to exceed the annual recruitment estimate (based on annual population surveys). Total number of deer to be harvested will be divided equally among the three hunts. If the quota for a specific weekend hunt is reached, the remainder of that weekend hunt will be cancelled. If the quota is not achieved, the balance will be passed on to succeeding weekend hunts. If any portion of hunt is cancelled, its quota may be passed on

to, or advanced to, other days of the hunt.

(d) *Season.* Hunting will be permitted on the last weekend of October and the first two weekends of November, for a total of six hunting days.

(e) *Permit requirements.* All hunters, regardless of age, must possess a valid refuge permit. Permits must be carried while hunting and are not transferrable. Individuals without permits will not be allowed in the hunt area.

(f) *Location of hunt area.* The hunt area includes approximately 50,500 acres bounded on the south by a line from mile marker 27 on Levee 7, to mile marker 55 on Levee 40, on the east by Canal 40, and on the west by Canal 7, excluding all canals, levees, and Loxahatchee Slough Research Natural Area.

(g) *Point of entry.* Hunters must enter at either Headquarters Landing or Twenty-Mile Bend. Avenues of entry into the refuge may be designated by map or by markers; hunters using boats must enter and leave by these paths.

(h) *Check stations and tagging.* (1) All hunters must check-in before commencing the hunt and check out promptly upon finishing their hunts at check stations located at entry points.

(2) Tags will be issued at check-in. Bagged deer must be tagged immediately. Possession of untagged deer is prohibited. Unused tags must be returned upon check-out.

(i) *Data collection.* All deer must be transported ungutted, or entire contents (intestinal and reproductive tracts) must be retained by hunter and transported to the check stations (containers will be provided).

(j) *Dogs.* Dogs are not permitted.

(k) *Stands.* Only portable stands which do not require nails or otherwise damage a tree may be used. Stands must be removed upon leaving the hunt area.

(l) *Other general rules.* (1) All firearms must be unloaded and either fully cased (scabbards are not considered a case) or dismantled (i.e. bolt or barrel removed), and bows cased or unstrung during non-shooting hours and while in any boat which is under power or not in the hunt area (i.e., canals).

(2) Possession of firearms and weapons other than those permitted for the hunt is prohibited.

(3) Boats (including air-thrust boats if otherwise permitted by these regulations) are to be used only as a means of transportation to and from a hunting stand or site, or as a stationary hunting platform; shooting, pursuing game or hunting from a moving boat is prohibited.

(4) All boats are prohibited on tree islands and tree stands. When airboat use is allowed by these regulations, they will be prohibited on specific areas as may be posted or designated by map.

(5) Plants and all animals other than deer are protected. Unnecessarily destroying vegetation, and disturbing or killing wildlife other than deer is prohibited. The Loxahatchee NWR includes areas designated as critical habitat for plant and wildlife species listed under the Endangered Species Act. Taking listed wildlife species is a serious Federal offense in violation of that Act and 50 CFR Part 17. Additionally, if the hunt develops the potential for adversely modifying the critical habitats of these species, it will be terminated at once.

(6) Pre-hunt scouting. Hunters with permits may scout the area during a four-day period prior to the first hunt (dates to be established). Harrassing, driving on intentionally disturbing wildlife while scouting is prohibited. Airboats will not be allowed for pre-hunt scouting.

(7) Camping, open fires, possession or consumption of alcoholic beverages, and littering are prohibited.

(m) *Specific hunts.* (1) *First hunt.* (i) Weapons permitted: Muzzleloading guns (as defined in State regulations); bow and arrow as permitted by State regulations (no crossbows); loading of a firearm with buckshot or multiple-pellet loads is prohibited.

(ii) Method of access: Non-motorized or motorized boats other than air-thrust. Air-thrust boats are prohibited.

(iii) Check-in and check-out hours: Hunters may enter at 5:30 a.m. and must check-out by 4:00 p.m.

(iv) Shooting hours: One-half hour before sunrise until 2:00 p.m.

(2) *Second hunt.* (i) Weapons permitted: General guns, as defined in State regulations, except that posession of shells loaded with buckshot, or of handguns, is prohibited.

(ii) Method of access: Non-motortized or motorized boats other than air-thrust boats. Air-thrust boats are prohibited.

(iii) Check-in and check-out hours: Hunters may enter at 5:30 a.m. and must check-out by 4:00 p.m.

(iv) Shooting hours: One-half hour before sunrise until 2:00 p.m.

(3) *Third hunt.* (1) Weapons permitted: Center-fire rifles only, as defined in State regulations.

(ii) Method of access: Air-thrust boats only.

(iii) Check-in and check-out hours: Hunters may enter at 5:30 a.m. and must check out by 3:00 p.m.

(iv) Shooting hours: Between the hours of 7:30 a.m. and 2:00 p.m. Shooting is prohibited before 7:30 a.m. and after 2:00 p.m.

(v) Operating hours: Air-thrust boats are prohibited from operating (moving under power) between the hours of 7:30 and 2:00 p.m., except to take out a deer kill. Exit must be by most direct route and re-entry into the hunt area will be prohibited.

(n) *Safety regulations.* (all hunts)

(1) Hunters are required to wear an outer garment above the waist that displays a minimum of 500 square inches of daylight fluorescent orange material.

(2) Each hunter under age 16 must be under the supervision of an adult.

(3) The hunt area and adjacent canals will be closed to other public use during the hunt.

(4) Boats must carry required Coast Guard equipment and use lights when traveling in darkness.

(o) *Information collection.* The Service has received approval from the Office of Management and Budget for the information collection requirements of these regulations pursuant to the Paperwork Reduction Act (Pub. L. 96–511). These requirements have been approved by the Office of Management and Budget under OMB Approval Numbers 1018–0044 and 1018–0046. Information is being collected to assist the Service in administering these programs in accordance with statutory authorities which require that recreational uses be compatible with the primary purposes for which the areas were established. The information will be used to determine hunter participation. Response is mandatory to obtain a benefit.

Alternative II—Without Airboats

§ 32.32 Special regulations; big game; for individual Wildlife areas.

(a) *General.* Deer hunting is permitted on the northern, 50,500-acre section of Loxahatchee National Wildlife Refuge. Hunting is confined to three weekends for a total of six days. Access to the hunting is by non-motorized or motorized boats other than airboats. Air-thrust boats are prohibited. The first weekend is limited to primitive weapons (bow and arrow and muzzle-loader) and the following two weekends hunters must use general guns. A maximum of six hundred hunters, one hundred per day, will be issued permits. If the number of applicants exceeds the number of available permits, random drawings will be used to distribute the permits in an equitable manner. Interested public should contact the refuge manager for more details on how hunting opportunities will be allocated. The portion of the refuge open to hunting will be closed to other public

use activities during the hunt. In addition to the special regulations set out here, hunters must comply with all State hunting laws and regulations that are not inconsistent with the special regulations.

(b)—(l). Subsections (b) through (l) inclusive, of this alternative would be identical to (b) through (l) as proposed for the first alternative, above.

(m) *Specific hunts. General.* For all hunts, access will be by non-motorized or motorized boats other than air-thrust. Air-thrust boats are prohibited. Shooting hours are from one-half hour before sunrise to 2:00 p.m. No shooting is permitted outside this time period.

(1) *First hunt.* Weapons permitted: Muzzleloading guns (as defined in State regulations); bow and arrow as permitted by State regulations (no crossbows); loading of a firearm with buckshot of multiple pellet loads is prohibited.

(2) *Second and third hunt.* Weapons permitted: General guns, as defined in State regulations, except that possession of shells loaded with buckshot, or handguns, is prohibited.

(n)-(o). Subsections (n) and (o) of this alternative would be identical to (n) and (o) as proposed for the first alternative, above.

Authority: 16 U.S.C. 460k, 668dd; 44 U.S.C. 3501 *et seq.*

Dated: July 13, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-20673 Filed 8-1-83; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 48, No. 149
Tuesday, August 2, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Central Power Electric Cooperative, Inc.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration.

ACTION: Finding of no significant impact.

SUMMARY: REA has made a Finding of No Significant Impact concerning the construction and operation of several electric transmission facilities in north-central North Dakota proposed by Central Power Electric Cooperative, Inc., (Central) of Minot, North Dakota. These facilities are a 46.6 kilometer (29 mile) 115 kV electric transmission line and substation, a 40 kilometer (25 mile) 69 kV transmission line, a 10.4 kilometer (6.5 mile) 69 kV transmission line and 115/69 kV substation, and a 24 kilometer (15 mile) 69 kV transmission line. Central plans to request financing assistance from REA for the proposed facilities.

FOR FURTHER INFORMATION CONTACT: REA's Finding of No Significant Impact and Environmental Assessment (EA) and Central's Borrower's Environmental Report (BER) may be obtained at the Office of the Director, North Central Area-Electric, Room 0230, South Agriculture Building, Washington, D.C. 20250, telephone (202) 382–1400, or the Central Power Electric Cooperative, Inc., P.O. Box 1576, Minot, North Dakota 58701, telephone (701) 852–4407.

SUPPLEMENTARY INFORMATION: REA has prepared an EA concerning the proposed projects which incorporates the Central BER. REA's independent evaluation of the proposed projects indicates that approval of the projects does not represent a major Federal action that would significantly affect the quality of the human environment.

Alternatives discussed in the EA are no action, alternative routes, and new generation facilities. The no action alternative would require no new construction. The alternative routes investigated were all in the vicinity of the preferred routes, and each crossed similar types of land. The greater length of these routes precluded their use. New small-scale electric generation facilities in the vicinity of the proposed facilities would still require new transmission, and thus offered no advantages. Although a small amount of important farmland will be removed from agricultural use, there is no practicable alternative which entirely avoids important farmlands. The proposed project would avoid, to the extent practicable, cultural resources, important farmland, threatened and endangered species and critical habitat, wetlands, and floodplains. REA has determined that the proposed project is an acceptable alternative.

(This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees)

Dated: July 28, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-20893 Filed 8-1-83; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Askalmore Creek Subwatershed, Mississippi; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the enlargement of 4.42 miles of an existing channel in Askalmore Creek Subwatershed, Tallahatchie and Grenada Counties, Mississippi.

FOR FURTHER INFORMATION CONTACT: Mr. A. E. Sullivan, State Conservationist, Soil Conservation Service, 1321 Federal Building, 100 West Capitol Street, Jackson, Mississippi 39269, telephone number (601) 960–5205.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates this project will not cause significant local regional, or national impacts to the environment. As a result of these findings, Mr. A. E. Sullivan, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns the construction of 4.3 miles of multiple-purpose channel work and .12 mile of flood prevention channel work. The flood prevention channel will be riprap lined. Channel construction will result in the conversion of 19.4 acres of open bottomland to 5 acres of channel, 8 acres of berm, and 6.4 acres of spoil. No bottomland hardwood will be destroyed by construction.

The Notice of Finding of No Significant Impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. A. E. Sullivan. The Notice of Finding of No Significant Impact has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of Finding of No Significant Impact are available to fill single copy requests at the above address.

No administrative action or implementation of the proposal will be taken until 30 days after the publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.904, Flood Control Act, Pub. L. 78–534, 58 Stat. 905. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: July 26, 1983.

A. E. Sullivan,

State Conservationist.

[FR Doc. 83-20869 Filed 8-1-83; 8:45 am]

BILLING CODE 3410-16-M

Forge Branch Watershed, Maryland; Intention To Prepare Environmental Impact Statement

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Forge Branch Watershed, Caroline County, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Calhoun, State Conservationist, Soil Conservation Service, 4321 Hartwick Road, Room 522, College Park, Maryland, 20740, telephone 301–344–4180.

SUPPLEMENTARY INFORMATION: The environmental evaluation of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Gerald R. Calhoun, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The project concerns a plan for watershed protection, flood prevention and drainage. Alternatives under consideration to reach these objectives include systems for conservation land treatment, nonstructural measures, and channel improvement.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the draft environmental impact statement. A meeting will be held at 8:00 p.m., Wednesday, September 7, 1983 at Wheatley Hall in Greensboro, Maryland to determine the scope of the evaluation of the proposed action. Further information on the proposed action, or the scoping meeting may be obtained from Mr. Gerald R. Calhoun, State Conservationist, at the above address or telephone (301) 344–4180.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: July 27, 1983.

Gerald R. Calhoun,

State Conservationist.

[FR Doc. 83-20770 Filed 8-1-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Application of GenAir International, Inc. for Redetermination of Fitness: Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (83–7–108).

SUMMARY: The Board is proposing to find that GenAir International, inc. continues to be fit to provide the air transportation authorized by the certificates issued to it in Orders 81–1–32 (for domestic charter service) and 81–3–23 (for foreign charter service). The complete text of this order is available, as noted below..

DATES: Objections: All interested persons having objections to the Board's tentative fitness findings shall file, and serve upon all persons listed below no later than August 16, 1983 a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 41550 and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, and should be served upon GenAir and the Federal Aviation Administration.

FOR FURTHER INFORMATION CONTACT: Carolyn S. Kramp, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5919.

SUPPLEMENTARY INFORMATION: The complete text of Order 83–7–108 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83–7–108 to that address.

By the Civil Aeronautics Board: July 27, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-20892 Filed 8-1-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 41526]

Key Airlines, Inc., Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on August 23, 1983, at 10:00 a.m. (local time) in room 1027, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., July 26, 1983.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 83-20889 Filed 8-1-83; 8:45 am]

BILLING CODE 6320-01-M

Isle Royale Seaplane Service; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 83–7–106, Order to Show Cause.

SUMMARY: The Board is proposing to find that Shawano Flying Service, Inc., d/b/a/ Isle Royale Seaplane Service is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to the applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: all interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than August 16, 1983, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Carolyn Kramp, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673–5919.

SUPPLEMENTARY INFORMATION: The complete text of Order 83–7–106 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons

outside the metropolitan area may send a postcard request for Order 83–7–106 to that address.

By the Civil Aeronautics Board: July 27, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-20890 Filed 8-1-83; 8:45 am]

BILLING CODE 6320-01-M

Application of Trans Carib Air, Inc. for a Redetermination of Fitness; Rrder To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (83–7–107).

SUMMARY: The Board is proposing to find that Trans Carib Air, Inc. continues to be fit to provide the air transportation authorized by its current certificates for Routes 189 and 189–F. The complete text of this order is available, as noted below.

DATES: Objections: All interested persons having objections to the Board's tentative fitness findings shall file, and serve upon all persons listed below no later than August 16, 1983 a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 41552 and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, and should be served upon Trans Carib Air, Inc., and the Federal Aviation Administration.

FOR FURTHER INFORMATION CONTACT: Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5088.

SUPPLEMENTARY INFORMATION: The complete text of Order 83–7–107 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83–7–107 to that address.

By the Civil Aeronautics Board: July 27, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-20891 Filed 8-1-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Fall-Harvested, Round, White Potatoes From Canada; Antidumping Preliminary Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary determination of sales at less than fair value: Fall-harvested, round, white potatoes from Canada.

SUMMARY: We preliminarily determine that fall-harvested, round, white potatoes from Canada are being, or are likely to be, sold in the United States at less than fair value. Therefore, we have notified the U.S. International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend the liquidation of all entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice and to require a cash deposit or bond for each such entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination within 75 days of the publication of this notice.

EFFECTIVE DATE: August 2, 1983.

FOR FURTHER INFORMATION CONTACT: Vincent Kane or Julia, E. Hathcox, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–5414 or 377–0184.

Preliminary Determination

We have preliminarily determined that there is a reasonable basis to believe or suspect that fall-harvested, round, white potatoes from Canada are being, or are likely to be, sold in the United States at less than "fair value," as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act).

We have found that the foreign market value of fall-harvested, round, white potatoes exceeded the United States price on 58 percent of the sales compared. These margins ranged from 1 percent to 124.8 percent. The overall weighted-average margin on all sales compared is 17.3 percent. The weighted-average margins for individual companies investigated are presented in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make a final determination within 75 days of the publication of this notice.

Case History

On February 9, 1983, we received a petition filed by counsel on behalf of the Maine Potato Council. In accordance with the filing requirements of § 353.36 of the Commerce Department Regulations (19 CFR 353.36), the petitioner alleged that fall-harvested, round, white potatoes from Canada are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or are threatening to materially injure, a United States industry. Petitioner also alleged that sales are being made at less than cost of production in Canada and that "critical circumstances" exist, as defined in section 733(e) of the Act.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We notified the ITC of our action and initiated such an investigation on February 28, 1983 (48 FR 9677). On March 7, 1983, the ITC found that there is a reasonable indication that imports of fall-harvested, round, white potatoes are materially injuring, or are threatening to materially injure, a United States industry.

We presented antidumping questionnaires to nine Canadian grower-distributors on April 14 and 15, 1983. These firms were selected on the basis of a statistical sampling of the Canadian grower/distributor population. We found it necessary to use a sampling technique, since scores of Canadian firms were selling potatoes for export to the United States and there was a significant volume of sales.

Thereafter, given that hundreds of growers were supplying the nine grower/distributors, we concluded that a statistical sampling would also be required in our selection of growers to respond to the cost of production questionnaire.

We, therefore, selected ten growers on the basis of a statistical sample of the grower population under consideration.

Our methodology used a random sample, stratified by size of company, type of company, and location. The methodology was based on widely accepted statistical sampling assumptions of the underlying probability distribution of the population and the sample. This methodology provided a statistically valid 95 percent certainty that the firms

selected are properly representative samples of those firms which comprise the population of the Canadian, fall-harvested, round, white potato industry.

We subsequently received responses from all of the grower/distributors within our sample, which included L. George Lawton, Ouellette Seed Farm, Ltd., Gemvak, Ltd., Powers Produce, Ltd., Olan Potato Farms, Ltd., Simmons and MacFarlane, Ltd., R. C. Marshall Farms, Ltd., John Crawford, Ltd., and M. Rose and Sons, Ltd. In addition, we received responses from all but three of the growers within out sample. Those responding included M. J. Keenan and Sons, Ltd., A. S. MacSwain and Son, Ltd., Hoghland Farms, Ltd., Olan's Packing Plant, Ltd., MacEwen Farms, Ltd., Sidney Drummond, Ltd., and R. H. Rennie and Sons, Ltd. Unless extended, the preliminary determination in this investigation was scheduled for July 19, 1983. Pursuant to section 733(c)(1)(A) of the Act, we subsequently postponed the preliminary determination to no later than September 7, 1983 (48 FR 29036).

Scope of Investigation

For purposes of this investigation, the term "fall-harvested, round, white potatoes" cover fall-harvested fresh or chilled round, white potatoes as currently classifiable under items 137.20, 137.21, 137.25, or 137.28 of the *Tariff Schedules of the United States*.

This investigation covers the period September 1, 1982, through February 28, 1983.

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. Where a grower did not have home market sales, we compared the United States price to constructed value.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price for the sales by the previously mentioned grower/distributors because the subject merchandise was sold to unrelated U.S. purchasers prior to its importation into the United States.

We calculated purchase price on the basis of the duty-paid, delivered price with deductions for freight, duty and brokerage for the following grower/distributors: R. C. Marshall Farms, Ltd., M. Rose and Sons, Ltd., Olan Potato Farms, Ltd., L. George Lawton, Powers Produce, Ltd., Gemvak, Ltd., and Simmons and MacFarlane, Ltd. For John Crawford, Ltd., and Ouellette Seed Farms, Ltd., we calculated purchase price on the basis of the f.o.b. duty paid price with deductions for duty and brokerage.

Foreign Market Value

In calculating foreign market value, we used monthly weighted-average prices for each pack size. Although prices changed considerably over the period of investigation, prices within a given month remained sufficiently constant to justify using a monthly weighted-average price. With one exception comparisons were restricted to sales of the same pack size. In the case of the one exception, we based foreign market value on sales of a somewhat smaller pack size, since there were no home market sales other than of this pack size. In addition, we attempted to restrict comparisons to the same size, grade, and type of potato. For example, sales of grade 1 potatoes were not compared with sales of grade 2 potatoes.

In accordance with section 773(a) of the Act, we calculated foreign market value for potatoes two inches and larger in diameter on the basis of home market sales of such or similar merchandise produced by R. C. Marshall Farms, Ltd. (Marshall). We calculated home market prices on the basis of delivered prices to unrelated customers with a deduction for freight charges. For potatoes of less than two inches in diameter we based foreign market value on the constructed value of this producer's potatoes, since there were no home market or third country market sales of such or similar merchandise. Because of the extreme difference in market value between potatoes of two inches and larger in diameter and potatoes under two inches in diameter, we did not consider the two size categories to be such or similar merchandise within the meaning of section 771(16) of the Act. We found all of Marshall's home market sales to be above its cost to produce.

We calculated home market prices for potatoes two inches and larger in diameter on the basis of delivered prices to unrelated customers with a deduction for freight charges. We found all of Marshall's home market sales to be above its cost to produce.

For John Crawford, Ltd., (Crawford) we calculated the foreign market value on the basis of delivered prices to unrelated customers with a deduction for freight charges. We found all of Crawford's home market sales to be above the cost to produce. Crawford's sales for export to the United States were all in 100 pound bags. Crawford made no home market sales of potatoes in 100 pound bags. We, therefore, used for foreign market value a monthly weighted-average price based on home market sales in 75 pound bags. Crawford paid a commission on certain home market sales but no commission on U.S. sales. In calculating foreign market value we made no adjustment for commissions paid in the home market. Although requested, the producer supplied no information on its U.S. selling expenses which might have served to offset the commission expense in the home market. Respondents cannot benefit from their failure to provide requested information.

For M. Rose and Sons, Ltd., we calculated foreign market value on the basis of delivered prices to unrelated purchasers with deductions for freight and inspection fee. We found all home market sales of this producer to be above its cost to produce.

Ouellette Seed Farm, Ltd., sold only seed potatoes for export to the United States during the period of investigation. This producer has no home market or third country market sales of seed potatoes except in the month of February 1983. Therefore for months other than February 1983, we based Ouellette Seed Farm, Ltd.'s, foreign market value on its constructed value. For the month of February, we based foreign market value for Ouellette Seed Farm, Ltd., on its one sale of seed potatoes in the home market. We found this sale to be above the cost to produce. As this sale was made in bulk on an f.o.b. basis, we made an adjustment for packing by adding the cost of U.S. packing. No deductions or further adjustment were made to the f.o.b. price.

We calculated the foreign market value for L. George Lawton based on delivered home market prices to unrelated purchasers. In calculating foreign market value we used only home market sales of L. George Lawton at prices equal to or above the cost to produce. Approximately 58 percent by volume of L. George Lawton's home market sales were made at prices below the cost to produce. Since these less than cost sales occurred throughout the investigatory period, we regarded them as having been made over an extended period of time. We also determined that they were made in substantial quantities, and at prices which would not permit recovery of all costs within a reasonable period of time in the ordinary course of trade. Therefore, these below cost sales were disregarded. The remaining above-cost sales provided an adequate basis for determining foreign market value.

Since two of the growers supplying L. George Lawton were included in our sample, we calculated a simple arithematic average of their costs for purposes of determining whether home market sales prices were at less than cost.

In calculating foreign market value for L. George Lawton we deducted freight charges from the delivered price. L. George Lawton paid commissions on some of its sales in the home market as well as on some sales for export to the United States. We made no adjustment to the home market price for commission, since, whenever a commission was paid in one of the markets under consideration, there was either an offsetting commission in the other market or, if no commission, indirect selling expenses in an amount sufficient to offset the commission.

For Olan Potato Farms, Ltd., we calculated foreign market value on the basis of the f.o.b. price to unrelated home market purchasers. No deductions or adjustments were made to this price. Olan Potato Farms, Ltd., paid a commission on sales for export to the United States but not on home market sales. No deduction was made for the commission in calculating purchase price, and no adjustment was made in the calculating of foreign market value, since indirect home market selling expenses were sufficient in all cases to offset the commission. All of this producer's home market sales were above cost to produce.

Foreign market value for Powers Produce, Ltd., was based on constructed value since no home market sales were made other than in the months of September and October and no sales were made to third country markets during our investigatory period. Sales to the United States were made in November and December of 1982, and in January of 1983. Because of the difference in the date of sale between the home market and the U.S. market, we did not consider these sales to be comparable, and, therefore, used constructed value as the basis for our comparison. All of this producer's home market sales were above the cost of product.

For the months of November 1982 through February 1983, foreign market value for Simmons and MacFarlane, Ltd., was calculated on the basis of the delivered price to unrelated home market purchasers with a deduction for freight. We made no adjustment for the commission paid on sales for export to the United States since in the home market there were either offsetting commissions or indirect selling expenses in an amount sufficient to offset the commisison on U.S. sales. During the months of September and October 1982 Simmons and MacFarlane, Ltd., made no home market or third country sales but did make sales for export to the United States. Therefore, for the months of September and October 1982 we used constructed value as the basis of comparison for U.S. sales made in those months.

In all instances where constructed value was used, we calculated the foreign market value based on the cost of materials and fabrication, and general expenses in accordance with the statute. Since profit was less than 8 percent we added the statutory minimum of 8 percent profit to the total of materials, fabrication and the general and selling expenses. Since we have not received a complete response regarding cost information for those growers supplying Simmons and MacFarlane, Ltd., we have not yet concluded our analysis of this company's cost elements. However, since for the other distributors under investigation, with the exception of L. George Lawton, home market prices exceeded the cost of production, we concluded that Simmons and MacFarlane's home market prices would exceed cost of production. We, therefore, used Simmons and MacFarlane's home market sales as the basis of its foreign market value.

Negative Determiation of Critical Circumstances

Counsel for the petitioners alleged that imports of the product under investigation present "critical circumstances". Under section 733(e)(1) of the Act, critical circumstances exist when: (A)(i) There is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value, and (B) there have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period of time.

During the period January through May of 1982 total imports of white potatoes classified under TSUS item numbers 137.20, 137.21, 137.25, and 137.28 amounted to 2,986,809 cwt. as compared to January through May 1983 imports of 1,530,213 cwt. Imports of white potatoes for the period of January through May 1981 amounted to 2,868,458 cwt.

During the period of June through December 1981 white potato imports amounted to 1,054,695 cwt. These imports amounted to 1,797,193 cwt during the period June through December 1982.

In the context of this industry, there have not been massive imports over a relatively short period of time. Therefore, critical circumstances do not exist for fall-harvested, round, white potatoes from Canada.

Verification

We will verify all data used in reaching the final determination in this investigation, as provided in section 776(a) of the Act.

Suspension of Liquidation

In accordance with section 773(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of fall-harvested, round, white potatoes from Canada.

This suspension of liquidation applies to all merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-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. Even though no margins were found on sales by John Crawford, Ltd., we did not exclude this firm from the preliminary affirmative determination since the cost of production information must be verified. The weighted-average margins are as follows:

Manufacturers/producers/exporters	Weighted-average margin (percent)
R. C. Marshall Farms, Ltd.	41.6
Ouellette Seed Farm, Ltd.	11.3
M. Rose and Sons, Ltd.	27.0
Gemvak Ltd.	25.4
Powers Produce Ltd.	1.3
L. George Lawton	14.3
Simmons and MacFarlane, Ltd.	26.1
Olan Potato Farms, Ltd.	2.4
John Crawford, Ltd.	0.0
All Others	17.3

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. In addition, we have made 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, with the provision that the ITC would not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

In accordance with section 353.7 of the Commerce Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on September 8, 1983, at the U.S. Department of Commerce, Room 4830, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by September 1, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of the publication of this notice, at the above address in at least 10 copies.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

July 26, 1983.

[FR Doc. 83-20871 Filed 8-1-83; 8:45 am]

BILLING CODE 3510-25-M

Bottled Green Olives From Spain; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on bottled green olives from Spain. The review covers the period January 1, 1980 through December 31, 1981. As a result of the review, the Department has preliminarily determined the net subsidy for 1980 to be 2.70 percent *ad valorem*, and for 1981, 2.44 percent *ad valorem*. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 2, 1983.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On September 12, 1974, the Department of the Treasury ("Treasury") published in the **Federal Register** (T.D. 74-234, 39 FR 32904) an affirmative final countervailing duty determination on bottled green olives from Spain. The order became effective on October 25, 1974. The notice stated that the Government of Spain had provided bounties or grants on the manufacture, production or exportation of such merchandise within the meaning of section 303 of the Tariff Act of 1930 ("the Tariff Act").

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on bottled green olives from Spain.

Scope of the Review

Imports covered by the review are bottled green olives, imported directly or indirectly from Spain. Such imports are currently classifiable under items 148.4420, 148.4440, 148.4800, and 148.5020 through 148.5080 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1980 through December 31,1981, and the following programs: (1) A rebate upon exportation of indirect taxes, under the Desgravacion Fiscal a la Exportacion; (2) an operating capital loans program; and (3) a minimum export price program, which the petitioner alleges conferred benefits to Spanish exporters of bottled green olives during the period of review.

Analysis of Programs

(1) *Desgravacion Fiscal a la Exportacion ("the DFE").* Spain employs a cascading tax system. Under this system, the government levies a turnover tax ("IGTE") on each sale of a product through its various stages of production, up to (but not including) the final sale in Spain. Upon exportation of the product, the government, under the DFE, rebates both these accumulated IGTE indirect taxes and certain final stage taxes.

Although the Spanish government rebates upon exportation all indirect taxes paid under the cascading tax system, the Tariff Act allows the rebate of only the following: (1) Taxes borne by inputs which are physically incorporated in the exported product (see Annex 1.1 of part 355 of the Commerce Regulations) and (2) indirect taxes levied at the final stage (see Annex 1.2 of part 355 of the Commerce Regulations). If the tax rebate upon export exceeds the total amount of allowable indirect taxes described above, the Department considers the difference to be an overrebate of indirect taxes and, therefore, a subsidy.

Physical incorporation is a question of fact to be determined for each product in each case. In this case, the physically incorporated inputs are the raw materials previously allowed by Treasury. The rebate of two final stage taxes, the parafiscal tax on export licenses and the tax on freight and insurance, is also allowable when calculating whether or not there is an overrebate of indirect taxes under the DFE.

Based upon our analysis of the DFE and the allowable indirect taxes, we preliminarily determine that an overrebate upon export existed in 1980 in an amount equal to 2.25 percent of the f.o.b. invoice price of the merchandise.

As of January 1, 1981, the Spanish government increased the IGTE rate from 2.40 percent while maintaining the previous rate for the export rebate. Based upon our analysis of the indirect taxes on physically incorporated inputs and the two indirect taxes on the final product, we determine that the change in aggregate indirect tax incidence has eliminated the overrebate previously found countervailable; therefore, we preliminarily determine the net subsidy attributable to this program during 1981 to be zero percent.

(2) Operating Capital Loans. The Spanish government requires banks to set aside funds to provide short-term operating capital loans. These loans are granted for a period of less than one

year. In 1980, the Spanish government fixed the interest rate for such loans at 8 percent, which was 1.50 percent below the legally established commercial interest rate of 9.50 percent. Effective March 1, 1981, the Spanish government increased the interest rate on operating capital loans from 8 to 10 percent while eliminating the interest rate ceiling on comparable short-term commercial loans. To determine the interest rate on comparable commercial loans for the remaining ten months in 1981, we took the average national prime interest rate for loans of comparable length, added the prevailing interest charge over prime facing borrowers of average creditworthiness and added the legally established fees and commissions. Comparing this benchmark with the 10 percent interest rate established for the operating capital loans program, we found a differential of 9.45 percent after March 1.

The maximum loan principal available to a given exporter is determined as a percentage of the firm's previous year's exports. This amount may be increased if the firm holds a government-issued Exporter's Card. In the case of bottled green olives, maximum eligibility until November 1981 was 35 percent. Effective November 21, 1981, the Spanish government decreased the maximum eligibility (including Exporter's Card eligibility) to 28 percent. Because we have no information on actual use of this program, we assumed that the maximum allowable amount was borrowed. After prorating the interest rate differentials and eligibility levels prevailing in 1981, we preliminarily determine the net subsidy conferred under this program to be 0.45 percent *ad valorem* for 1980, and 2.44 percent *ad valorem* for 1981.

The Spanish government is currently phasing out its operating capital loans program. Since 1981, the maximum annual amount bottled green olive producers can borrow under this program has been reduced to 17.50 percent of their previous year's exports. Using the interest rate differential prevailing in 1982 (9.38 percent), and assuming, in the absence of knowledge of current usage levels, that the Spanish producers borrowed the maximum amount to which they were legally entitled as of January 1, 1983, we preliminarily determine, for purposes of cash deposits of estimated countervailing duties, that the net subsidy attributable to this program is 1.64 percent *ad valorem*.

(3) *Minimum Export Price.* On November 1, 1979, the Government of Spain imposed a minimum price support program on exports of olives, bottled or in bulk. The program was terminated at the end of 1980.

The petitioner, Green Olive Trade Association, contends that Spanish bottlers were able to purchase Spanish olives in bulk at a price lower than that available to U.S. bottlers which import Spanish olives in bulk, and that by mandating this price differential the Spanish government indirectly provided a countervailable domestic subsidy on the manufacture of bottled olives in Spain.

The Department does not consider a minimum price scheme which has the effect of increasing the export price of the article in question, in this case bottled olives, a countervailable subsidy.

Moreover, the fact that the government imposed a price floor on exports of olives shipped in bulk, which resulted in a higher price to U.S. bottlers, does not confer a subsidy on the production of Spanish bottled green olives. The cost inputs to a U.S. producer is not relevant here to the determination of whether a particular practice of a foreign government constituted a subsidy.

The petitioner also contends that the fact that Spanish bottlers were able to purchase bulk olives at the unregulated domestic price enabled them to reap large profit margins on their export sales. We fail to see how any countervailable benefit was conferred by these purchases of bulk olives since the prices were set without government direction and without any export preference.

The petitioner further asserts that most Spanish bottlers are subsidiaries of U.S. multinational corporations and that these corporations, using their large 1980 profits, have sold Spanish bottled green olives in the United States at very low prices in 1981. The issue raised here by the petitioner involves pricing behavior which is not properly examined in the context of a countervailing duty proceeding.

Accordingly, the Department preliminarily determines that the Spanish minimum export price support program did not confer a countervailable benefit upon the production or exportation of bottled green olives from Spain.

Verification

We verified data regarding the DFE program through inspection of government documents, on-site examination of company books and records and discussions with government and trade association officials. As for the operating capital loans program, the Spanish government denied us access to company-specific records for verification and did not permit trade association officials to discuss the program with us. Consequently, as mentioned above, we assume that the maximum allowable amount of operating capital loans was borrowed. We have calculated the benefit under this program using the best information available.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the aggregate net subsidy conferred during 1980 by the two programs is 2.70 percent *ad valorem*. For 1981, we preliminarily determine that the aggregate net subsidy conferred is 2.44 percent *ad valorem*.

Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of 2.70 percent of the f.o.b. invoice price on all shipments of Spanish bottled green olives entered or withdrawn from warehouse, for consumption on or after January 1, 1980 and exported on or before December 31, 1980 and 2.44 percent of the f.o.b. invoice price on all shipments exported on or after January 1, 1981 and on or before December 31, 1981.

The provisions of T.D. 74-234, T.D. 78-167 or T.D. 79-22 and section 303(a)(5) of the Tariff Act, prior to the enactment of the TAA, apply to all entries made prior to January 1, 1980. Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties on all unliquidated entries of bottled green olives from Spain entered, or withdrawn from warehouse, for consumption prior to January 1, 1980, at the applicable rates set forth in T.D. 74-234, T.D. 78-167, or T.D. 79-22.

Further, as provided for by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 1.64 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the current review. This deposit requirement shall remain in effect until the publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any

hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: July 26, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-20818 Filed 8-1-83; 8:45 am]

BILLING CODE 3510-25-M

Chain of Iron or Steel From Japan; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on chain of iron or steel from Japan. The review covers the period January 1, 1982 through December 31, 1982. As a result of the review, the Department has preliminarily determined the amount of the net subsidy to be 1.95 percent *ad valorem*. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 2, 1983.

FOR FURTHER INFORMATION CONTACT: Philip Otterness or Larry Hampel, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On August 24, 1978, the Department of the Treasury published in the **Federal Register** (T.D. 78-295, 43 FR 37685) a countervailing duty order on chain of iron or steel from Japan.

On November 17, 1982, the International Trade Commission ("the ITC") notified the Department of Commerce ("the Department") that the Japanese government had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979. It was not necessary for the Department, upon notification by the ITC, to suspend liquidation of entries of the merchandise pursuant to that section, since previous suspensions remained in effect.

On December 23, 1982 the Department published in the **Federal Register** (47 FR 57315) the final results of its last administrative review of the order and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now coge a02au3.004nducted that administrative review.

Scope of Review

Imports covered by the review are shipments of Japanese chain of iron or steel, the links of which are essentially round in cross section, and parts thereof, such merchandise is currently classifiable under items 652.2410 through 652.2450, 652.2710 through 652.2740, 652.3010 through 652.3040, 652.3310 through 652.3330 and 652.3510 through 652.3530 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1982 through December 31, 1982 and a program of tax deferrals on funds held in the Overseas Market Development Reserve ("OMDR").

Analysis of Program

The Government of Japan has not responded to our questionnaire on the status of benefits bestowed on the covered merchandise during the review period. Therefore, the Department is using the subsidy determined during our previous administrative review as the best information available.

Preliminary Results of Review

As a result of our review, we preliminarily determine the net subsidy to be 1.95 percent *ad valorem* for the period of review. The Department intends to instruct the Customs Service to assess countervailing duties of 1.95 percent of the f.o.b. invoice price on all shipments of this merchandise exported from Japan on or after January 1, 1982 and entered, or withdrawn from warehouse, for consumption on or before November 16, 1982.

Should the ITC find that there is material injury or likelihood of material injury to an industry in the United States, the Department will instruct the Customs Service to assess countervailing duties at the prevailing deposit rates at the time of entry on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after November 17, 1982 and exported on or before December 31, 1982.

Further, as provided for by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 1.95 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the current review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday ther after. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: July 26, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-20819 Filed 8-1-83; 8:45 am]

BILLING CODE 3510-25-M

Cotton Yarn From Brazil; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On April 4, 1983, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on cotton yarn from Brazil. The review covers the period January 1, 1981 through December 31, 1981. The notice stated that the Department had preliminarily determined the net subsidy for 1981 to be 12.27 percent *ad valorem*.

We gave interested parties an opportunity to comment on the preliminary results. After review of all timely comments received, we have determined the net subsidy to be 10.97 percent *ad valorem*.

EFFECTIVE DATE: August 2, 1983.

FOR FURTHER INFORMATION CONTACT: Laura Kneale or Lorenza Olivas, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On April 4, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 14429) the preliminary results of its administrative review of the countervailing duty order on cotton yarn from Brazil (42 FR 14089, March 15, 1977). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of Brazilian cotton yarn. Such merchanduse is currently classifiable under items 300.6000 through 302.9800 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1981 through December 31, 1981, and three programs previously found countervailable: preferential financing for exports, income tax exemptions for export earnings, and the export credit premium for the Industrial Products Tax ("IPI"). The review also covers eight programs that are alleged by the petitioner to confer subsidies on exports of cotton yarn from Brazil.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received timely comments from the Government of Brazil.

Comment 1: The Government of Brazil claims that benefits derived from the income tax exemption for export earnings should be allocated over total revenue rather than export revenue. Under this program, a Brazilian exporter receives an exemption from income tax liabilities at the end of the fiscal year based upon the ratio of export to total revenue, provided that the firm has made an overall profit. The Brazilian government argues that, because the determining factor in a firm's eligibility for this benefit is its overall profitability for a given year, the benefit accrues to the operations of the whole firm and not just to exports. Further, an exemption of an income tax calculated on this basis cannot directly affect the price of the exported product alone; it must have a general effect on all prices, both domestic and export. Thus, by allocating the benefits only to export revenue, the Department overstates the value of the subsidy.

Department's Position: The Government of Brazil has made this argument before in section 751 administrative reviews of countervailing duty orders on other Brazilian products. *See, e.g.*, notice of "Final Results of Administrative Review" of certain scissors and shears from Brazil (47 FR 10266, March 10, 1982). In those reviews we responded that, when a firm must export to be eligible for benefits under a subsidy program, and when the amount of the benefit received is tied directly or indirectly to the firm's level of exports, that program is an export subsidy. The fact that the firm as a whole must be profitable to benefit from this program does not detract from the program's basic function as an export subsidy. Therefore, the Department will continue to allocate the benefits under this program over export revenue instead of total revenue.

Comment 2: The Government of Brazil argues that the Department has overstated the benefit from the income tax exemption for export earnings. Brazilian tax laws permit corporations to invest 26 percent of the taxes owed in certain specified corporations. The Brazilian government claims that this provision results in an effective reduction of the corporate income tax rate, which directly diminishes the benefit from the income tax exemption.

Department's Position: We disagree. As a threshold matter, we could only consider an adjustment if those other tax provisions result in a diminished benefit. In this case, the amount a company invests does not diminish the amount of the tax exemption available for export revenue. Therefore, no offset is appropriate. *See also*, notice of "Suspension of Investigation" on frozen concentrated orange juice from Brazil (48 FR 8839, March 2, 1983).

Comment 3: The Government of Brazil claims that, in calculating the interest differential under the program of preferential financing for exports, the exemption of loans received under Resolution 674 from the tax on financial transactions ("the IOF") should not be considered. The IOF is an indirect tax on the financing used for the purchase of physically incorporated inputs. For the Department to determine the interest rate subsidy on preferential loans by considering the IOF tax an integral part of the commercially-available rate (*i.e.*, considering exemption from the tax a subsidy) is contrary to the GATT and U.S. law, both of which permit non-excessive rebate of indirect taxes.

Department's Position: We have addressed this issue in other Brazilian countervailing duty investigations. *See, e.g.*, notice of "Final Affirmative Countervailing Duty Determination" for prestressed concrete steel wire strand from Brazil (48 FR 4516, February 1, 1983). In those determinations we stated that, although the IOF is an indirect tax paid on financial transactions including the discounting of accounts receivable, we do not consider this fact relevant. Since we consider the discounting of cruzeiro-denominated accounts receivable as the commercial alternative to Resolution 674 loans, it is appropriate that we include the exemption of Resolution 674 loans from the IOF as part of the measurement of the full benefit provided under this program.

Comment 4: The Government of Brazil argues that benefits from the preferential financing are realized by a borrower at the time loans are repaid. Consequently, the Department should calculate the net subsidy based upon the date of repayment of such loans rather than prorate the benefit over the duration of the loans.

Department's Position: In the notice of fianl results of review of the countervailing duty order on certain scissors and shears from Brazil, we noted that the Government of Brazil argued for the allocation of benefits from these loans throughout the life of the loans rather than for assignment to the period in which the loan was received. We agreed with the argument and prorated the benefits throughout the life of the loan. We believe this to be a reasonable method for allocating these benefits and do not believe that the Government of Brazil has demonstrated that their current approach is more reasonable than their past approach.

Comment 5: The Brazilian government notes that the Department was inconsistent in its method of weight-averaging the benefit under each program. To find the aggregate subsidy attributable to preferential export financing and the income tax exemption, the Department calculated the weighted-average of each company's subsidy rate based on its share of cotton yarn exports to the U.S. To find the aggregate subsidy rate from BEFIEX, the IPI export credit premium and CIC-CREGE 14-11 loans, the Department divided the aggregate amount of benefit by aggregate exports of all firms covered by the questionnaire response. The Government of Brazil submits that the

Department should use a uniform approach in calculating the benefit from these programs.

Department's positon: The Department calculated the aggregate subsidy rate from BEFIEX, the IPI export credit premium and CIC-CREGE 14–11 as a weighted-average subsidy rate based on each firm's share of world exports. In accordance with the position stated in our notice of "Final Results of Administrative Review" of certain castor oil products from Brazil (46 FR 62487, December 24, 1981), we have adjusted our calculations by multiplying the amount of benefit to each firm by the firm's ratio of U.S. to total cotton yarn exports, summing the benefit amounts, and dividing the sum by exports of all reviewed firms of cotton yarn to the U.S. We used this method of allocation in the preliminary results of the current review for the preferential export financing and income tax exemption progarms.

Comment 6: The Government of Brazil notes that the Department used unsolicited monthly export figures, provided in the supplemental questionnaire response, the calculate the *ad valorem* benefit for each program except the income tax exemption, for which the Department used the annual export statistics reported in each company's income tax statement. The Department should use the export figures reported in the income tax returns for all its *ad valorem* calculations, because these are more reliable statistics. The Brazilian government characterizes the monthly export figures as "preliminary estimates."

Department's Position: In its supplemental response the Government of Brazil did not characterize the monthly export statistics as "preliminary estimates" and, absent explanation, the Department chose to use the monthly figures as the preferred measure of exports. However, the Brazilian government had included copies of the companies' income tax statement with the original questionnaire response. The annual export figures listed in the imcome tax forms agree with the annual export figures submitted in the original response. Because the annual figures are supported by official documentation, we have now used these figures in all our *ad valorem* calculations.

Comment 7: The Brazilian government asserts that maximum eligibility for preferential financing under Resolution 674 was decreased from 40 percent of the previous year's exports to 30 percent on February 21, 1983. Consequently, the use rate used to calculate the deposit rate should be decreased accordingly.

Department's Position: We estimated the potential benefit under this program by multiplying the current interest rate differential by the weighted-average loan use rate found for the current review period. The weighted-average loan use rate is 20.65 percent, lower than the reduced maximum eligibility rate. Therefore, we have no reason to believe that the reduction in maximum eligibility will affect cotton yarn exporters' loan use rate.

Comment 8: The Government of Brazil contends that the Department's calculation of the net subsidy for 1981 is overstated since it includes programs (BEFIEX and 14–11 financing) which were not determined to be countervailable in the previous administrative review. If the Department later finds new programs to be countervailable, duties resulting from those programs should apply only to entries made after publication of the Department's determination that the programs are countervailable with regard to the specific product.

Department's Position: Section 751(a)(1) of the Tariff Act of 1930 ("the Tariff Act") requires the Department to "review and determine the amount of any net subsidy." The statute does not limit this review to programs found countervailable in previous final determinations.

Final Results of the Review

After consideration of the timely comments, we determine that the net subsidy conferred by the five programs cited above during the period of review is 10.97 percent ad valorem. Accordingly, the Department will instruct the Customs Service to assess countervailing duties of 10.97 percent of the f.o.b. invoice price on all shipments of the merchandise exported on or after January 1, 1981 and on or before August 2, 1981. On August 3, 1981, the International Trade Commission ("the ITC") notified the Department that the Government of Brazil had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979. Should the ITC find that there is material injury or likelihood of material injury to an industry in the United States, the Department shall instruct the Customs Service to assess countervailing duties, in the amount of estimated duties required to be deposited, on all unliquidated entries of Brazilian cotton yarn exported on or after August 3, 1981 and on or before December 31, 1981.

Further, as provided by section 751(a)(1) of the Tariff Act, a cash deposit of estimated countervailing duties of 10.51 percent of the f.o.b. invoice price shall be required on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review of the order. The Department is now commencing the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: July 26, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-20821 Filed 8-1-83; 8:45 am]

BILLING CODE 3510-25-M

Sugar From the European Communities; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Administrative Review of Countervailing Duty Order.

SUMMARY: On May 16, 1983, the Department of Commerce published in the **Federal Register** the preliminary results of its administrative review of the countervailing duty order on sugar from the European Communities. The review covered the period July 1, 1980 through June 30, 1981.

We gave interested parties an opportunity to comment on our preliminary results. We received no comments. The Department has determined the aggregate net subsidy during the period of review to be 7.1¢ per pound.

EFFECTIVE DATE: August 2, 1983.

FOR FURTHER INFORMATION CONTACT: Barbara Williams or Lorenza Olivas, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On May 16, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 21985) the preliminary results of its administrative review of the countervailing duty order on sugar from the European Communities (43 FR 33239, July 31, 1978). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of sugar from the European Communities ("EC"). Sugar is currently classifiable under items 155.2025, 155.2045 and 155.3000 of the Tariff Schedules of the United States Annotated. The review covers the period July 1, 1980 through June 30, 1981, and one program: Restitution payments made under the Guidance and Guarantee Fund which, in turn, is operated under the Common Agricultural Policy ("CAP") of the EC. During the period of review, the EC consisted of Belgium, Denmark, the Federal Republic of Germany, France, Ireland, Italy, Luxemburg, the Netherlands, the United Kingdom, and Greece.

Final Results of Review

We gave interested parties an opportunity to comment on our preliminary results. We received no comments. Based on our analysis we determine the aggregate net subsidy to be 7.1¢ per pound of sugar for the period of review. The Department will instruct the Customs Service to assess countervailing duties of 7.1¢ per pound on shipments of sugar exported on or after July 1, 1980 and on or before June 30, 1981.

Further, as provided for by section 751(a)(1) of the Tariff Act of 1930 ("the Tariff Act"), the Department will instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 7.1¢ per pound on all shipments of sugar from the EC entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

The Department is now beginning the next administrative review of the order.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: July 26, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-20820 Filed 8-1-83; 8:45 am]

BILLING CODE 3510-25-M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an export trade certificate of review. This notice summarizes the conduct for which certification is sought and invites interested parties to submit information relevant to the determination of whether a certificate should be issued.

DATES: Comments on the listed application must be submitted on or before August 22, 1983.

ADDRESS: Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 6711, Washington, D.C. 20230.

Comments should refer to this application as "Export Trade Certificate of Review, application number 83-00012."

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131; or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202/377-0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III can be found at 48 FR 10596-10604 (March 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and government suits under federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards for Certification

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant,

2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant,

3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant, and

4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meet these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the issuance of Export Trade Certificates of Review," 48 FR 15937-40 (April 13, 1983).

Request for Public Comments

The Office of Export Trading Company Affairs (OETCA) is issuing this notice in compliance with section 302(b)(1) of the Act which requires the Secretary to publish a notice of the application in the **Federal Register** identifying the persons submitting the application and summarizing the conduct proposed for certification.

The OETCA and the applicant have agreed that this notice fairly represents the conduct proposed for certification. Through this notice, OETCA seeks written comments from interested persons who have information relevant to the Secretary's determination to grant or deny the application below. Information submitted by any person in connection with the application(s) is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552).

The OETCA will consider the information received in determining whether the proposed conduct is "export trade," "export trade activities" or a "method of operation" as defined in the

Act, regulations and guidelines and whether it meets the four certification standards. Based upon the public comments and other information gathered during the analysis period, the Secretary may deny the application or issue the certificate with any terms or conditions necessary to assure compliance with the four standards.

The OETCA has received the following application for any Export Trade Certificate of Review:

Applicant: Trade Development Corporation of Chicago.

Application: #83–00012.

Date Received: July 13, 1983.

Date Deemed Submitted: July 19, 1983.

Members in Addition to Applicant: None.

Summary of Application: Trade Development Corporation of Chicago, an Illinois corporation with its principal office address at 307 North Michigan Avenue, Chicago, Illinois 60601, submitted an application seeking certification for the following export trade activities and methods of operation for its export trade in Asia (including Japan, Korea, Taiwan, Thailand, Malaysia, China, Hong Kong, Singaport, Indonesia, Philippines, Australia, New Zealand, Oceania).

A. Export Trade Activities

1. To act as a representative in Asia for U.S. manufacturers and distributors of phonograph records and pre-recorded tapes; used airlines and surplus aircraft equipment; screws, bolts and nuts; and computer software (including computer games) [hereinafter "Products and Services"];

2. To provide for export trade services for the Products and Services including consulting, international market research, advertising, marketing, insurance, transportation trade documentation, freight forwarding, product research and design, processing foreign orders, foreign exchange, financing and taking title;

3. To buy, sell and export the Products and Services;

4. To provide consulting services for U.S. firms entering the Asian market including the development of marketing studies and sales strategies;

5. To perform industry surveys of the Asian market for competing U.S. firms in any product market.

B. Methods of Operations

1. To enter into exclusive agency agreements with foreign persons in Asia for the Products and Services.

2. To enter into exclusive sales agreements with U.S. firms manufacturing or supplying the Products and Services to be sold in Asia.

Dated: July 26, 1983.

Irving P. Margulies,

Deputy General Counsel.

[FR Doc. 83-20781 Filed 8-1-83; 8:45 am]

BILLING CODE 3510-25-M

Performance Review Board Membership

This notice announces the appointment by the Department of Commerce Under Secretary for International Trade, Lionel H. Olmer, of the Performance Review Board for ITA. The purpose of the International Trade Administration PRB is to review performance actions for recommendations to the appointing authority as well as other related matters. This Chairperson of the PRB is:

John Richards, Director, Office of Industrial Resources Administration

The following are members from ITA:

Vincent F. DeCain, Deputy to Deputy Assistant Secretary for Export Administration

Joseph F. Dennin, Deputy Assistant Secretary for Africa, Near East and South Asia

J. Mishell George, Deputy to Deputy Assistant Secretary for Industrial Projects

Paul L. Guidry, Special Assistant to the Director General

Ann Hughes, Deputy Assistant Secretary for Western Hemisphere

James P. Moore, Jr., Deputy Assistant Secretary for Trade Information and Analysis

Saul Padwo, Director, Office of Trade Information Services

William V. Skidmore, Director, Office of Antiboycott Compliance

Minority Business Development Agency

Herbert S. Becker, Assistant Director for Advocacy, Research and Information

Dated: July 22, 1983.

James T. King, Jr.,

Personnel Officer, ITA.

[FR Doc. 83-20808 Filed 8-1-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of New Limits on Certain Cotton, Wool, and Man-Made Fiber Textile Products Exported from Hong Kong

July 27, 1983.

On June 23 and 27, 1983, notices were published in the Federal Register (48 FR 28698, and 29572) announcing that the Government of the United States had requested consultations with the Government of Hong Kong concerning Categories 604 and 644 respectively, under the terms of the Bilateral Agreement of June 23, 1982, as amended.

The purpose of this notice is to announce that consultations on these categories and on Categories 313 and 352, among others, have been held July 14 and 15, 1983 and the following limits established for 1983 under the terms of the bilateral agreement:

Category	1983 limit
313	50,288,529 square yards.
352	4,450,000 dozen.
604	342,455 pounds.
644	25,000 dozen.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-20888 Filed 8-1-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

July 29, 1983.

The USAF Scientific Advisory Board Strategic Cross-Matrix Panel Ad Hoc Committee on the Small Missile will meet at Headquarters Air Force Systems Command, Andrews AFB, Maryland on 18–19 August 1983, from 8:00 a.m. to 6:00 p.m. each day. The purpose of the meeting will be to receive classified briefings and hold classified discussions on final information on the management approaches to a small missile and to prepare necessary reports on the group's activities. The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–4811.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-20949 Filed 8-1-83; 8:45 am]

BILLING CODE 3910-01-M

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday,

August 11, 1983, beginning at 1:30 p.m. The hearing will be a part of the Commission's regular business meeting, which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation beginning at 11:00 a.m.

The hearing, meeting and conference will be held in the Goddard Conference Room of the Commission's office at 25 State Police Drive, West Trenton, New Jersey.

The subjects of the hearing will be as follows:

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11, and/or Section 3.8 of the Compact

1. *Holdover Project—Indian Rock Water Company—Newtown Artesian Water Company (D–80–78 CP).* A ground water withdrawal project to supply approximately 252,000 gallons per day (gpd) of water to the proposed Golden Acres residential development in the applicant's service area. Designated as Well No. 21, the project is located in Newtown Township, Bucks County, Pennsylvania and is in the Southeastern Pennsylvania Ground Water Protected Area.

2. *Kent County, Delaware (D–77–87 CP).* Expansion of a sewage treatment project serving the cities of Dover and Milford, the towns of Smyrna, Camden and Wyoming, six sanitary districts, Dover Air Force Base, and industrial and institutional customers in Kent County, Delaware. The treatment plant will be modified to remove 88 percent BOD and 88 percent suspended solids from a sewage flow which will be increased from 10 to 15 million gallons per day (mgd). Treated effluent will discharge to a tributary of the Murderkill River in Kent County, Delaware.

3. *Holt Hauling & Warehousing Systems, Inc. (D–79–15).* A project to construct a marginal wharf along the Delaware River shore that will expand the company's marine terminal in Gloucester City, Camden County, New Jersey. The wharf will be located between the mouth of Newton Creek and Monmouth Street, extend a maximum of 150 feet beyond the U.S. pierhead line, and will require placement of 15.2 acres of fill in the Delaware River. A 16.6-acre marsh and shallows mitigation area have been required to offset the loss of wetlands in the fill area. The mitigation site is located along the Delaware River at a State-owned dredge spoil disposal area at Delair, Pennsauken Township, Camden County, New Jersey.

4. *Chester County Commissioners (D–83–15 CP).* Expansion of a sewage treatment facility to serve the Chester County Prison and Pocopson Home in Pocopson Township, Chester County, Pennsylvania. The project is to be completed in two phases; the first phase will involve addition of a polishing pond and 24 acre spray irrigation system located in the Brandywine Creek Watershed; a second phase will entail abandonment of existing imhoff tanks and trickling filters and the addition of an aeration basin. The waste flow rate will be increased from 0.0665 mgd to 0.105 mgd and effluent will be disinfected prior to land disposal.

Documents relating to these projects may be examined at the Commission's offices and are available in single copies upon request. Please contact David B. Everett. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Susan M. Weisman, Secretary.

July 26, 1983.

Public Information Notice

Water Quality Program

The Commission is preparing its water quality program for the fiscal year ending September 30, 1984. Notice of this action is given in accordance with the requirements of the Federal Water Pollution Control Act as amended. The proposed program will involve a variety of activities in the areas of planning, surveillance, compliance monitoring, regional coordination, wasteload allocations and public participation. While the proposed program is not subject to public hearing by the Commission, it may be examined by interested individuals at the Commission's offices upon request. The public reveiw and comment period will begin August 1, 1983 and extend for 30 days. Contact Seymour P. Gross at the Commission.

[FR Doc. 83-20804 Filed 8-1-83; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF EDUCATION

Office of the Secretary

Centers and Services for Deaf-Blind Children; Final Annual Funding Priority and Geographical Regions

AGENCY: Department of Education.

ACTION: Notice of Final Annual Funding Priority and Geographical Regions.

SUMMARY: The Secretary announces an annual funding priority and the composition of six geographical regions for the award of grants for Fiscal Year 1983 under the Centers and Services for Deaf-Blind Children program. To ensure effective use of program funds, the Secretary establishes an annual priority related to the types of activities to be conducted and the children to be served by those centers. This action is taken to ensure that States will have the necessary capability to provide appropriate services to those children for whom they are responsible. It is also designed to furnish services to deaf-blind children to whom States are not obligated to make available a free appropriate public education under Part B of the Education of the Handicapped Act (EHA–B). States participating in the EHA–B program are required to provide some of the same services authorized by the Deaf-Blind program to handicapped children, including those who are deaf-blind, within certain age groups.

In addition, the Secretary establishes six regions for the purpose of making awards. The regional structure is designed to bring about increased coordination of effort among States and to reduce administrative costs of the program. A separate competition will be held for each of the six regions.

EFFECTIVE DATE: This priority and designation of geographic regions will take effect either 45 days after publication in the **Federal Register**, or later if Congress takes certain adjournments.

FOR FURTHER INFORMATION CONTACT: R. Paul Thompson, Centers and Services for Deaf-Blind Children, Special Education Programs, U.S. Department of Education, 400 Maryland Avenue SW., Donohoe Building, Room 4918, Washington, D.C. 20202. Telephone: (202) 472–7993.

SUPPLEMENTARY INFORMATION: Grants for Centers and Services for Deaf-Blind Children are authorized under Section 622 of the Education of the Handicapped Act (EHA). Program regulations are set out at 34 CFR Part 307. The purpose of the program authorized by Section 622 is to establish a limited number of centers designed to provide effective educational services to deaf-blind children beginning as early in life as feasible. Each center is required to provide: (1) Diagnostic and evaluative services for deaf-blind children; (2) programs of education, orientation, and adjustment for those children; and (3) consultative services to those persons directly involved in the lives of those children. Centers funded under this authority are also required by regulation to conduct other activities, including the development and dissemination of materials and information to assist

professional and allied personnel engaged in programs designed for deaf-blind children, and training of personnel engaged in the delivery of services to those children. Public and nonprofit private agencies, organizations, or institutions are eligible to apply for awards under this program.

A "Notice of Proposed Annual Funding Priority and Proposed Geographical Regions" was published in the **Federal Register** on May 19, 1983 (48 FR 22612) describing the proposed annual funding priority and proposed geographical regions for the Centers and Services for Deaf-Blind Children program. One letter was received in response to the notice. This comment and the Secretary's response are summarized below:

Comment. The commenter requested reconsideration of the proposed geographical regions, suggesting that changes in the regions might disrupt the continuity of services of deaf-blind children.

Response. No change has been made. It is anticipated that the new Centers for Deaf-Blind Children will adopt the practice of the current Centers to provide the majority of their services to deaf-blind children through sub-contract or other special arrangement with State or local service agencies. It is not anticipated that any significant change will take place in the number or identity of State and local agencies sub-contracting to provide services under the proposed geographical regional structure of the program. It is therefore unlikely that the change in deaf-blind regions will disrupt the continuity of services to deaf-blind children.

Priority. In accordance with the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(b)(2) and 75.105(c)(3)(i), the Secretary gives an absolute preference to each application for a project that will use funds made available under this program for the following activities before using those funds for other authorized activities:

1. Activities authorized by 34 CFR 307.34 to the extent that they are designed to ensure that the States will have the necessary capacity to serve the deaf-blind children for whom they are responsible, including the provision of training to personnel in participating agencies which are engaged in, or responsible for, direct delivery of services to deaf-blind children or their families; and dessemination of materials and information about effective methods, approaches, or techniques for the adjustment and education of deaf-blind children.

2. The provision of services authorized by 34 CFR 307.33 to those deaf-blind children from birth through 21 years of age, in each State served by the center, to whom the State is not obligated to make available a free appropriate public education under Part B of the EHA. *See* Section 612(2)(B) of the EHA, 20 U.S.C. 1412(2)(B).

Any remaining funds may be used to carry out any other activities authorized by Section 622 of the EHA and 34 CFR Part 307.

Composition of Geographical Regions: The Secretary establishes six regions as follows:

Region	States to be included in region
1	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pureto Rico, Rhode Island, Vermont, Virgin Islands.
2	Delaware, District of Columbia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, West Virginia.
3	Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, Texas.
4	Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, Wisconsin.
5	Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakato, South Dakota, Utah, Wyoming.
6	Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Novada, Northern Mariana Islands, Oregon, Trust Territories of the Pacific Islands, Washington.

(20 U.S.C. 1422)

Dated: July 27, 1983.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84.025, Centers and Services for Deaf-Blind Children)

[FR Doc. 83-20623 Filed 8-1-83; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Board on International Education Programs; Meeting

AGENCY: National Advisory Board on International Education Programs, Ed.

ACTION: Notice of meeting

SUMMARY: This notice sets forth the schedule of a forthcoming meeting of the National Advisory Board on International Education Programs. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is also intended to notify the general public of their opportunity to attend.

DATE: September 1 and 2, 1983.

ADDRESS: The Lewis Room of the Capitol Holiday Inn, 550 C Street, SW., Washington, D.C. 20024.

FOR FURTHER INFORMATION CONTACT: Marguerite A. Follett or Gertha M. Basey, International Education Programs Office, ROB-3, Room 3919, 400 Maryland Avenue, SW., Washington, D.C. 20202 (202) 245-2398 or -7804.

SUPPLEMENTARY INFORMATION: The National Advisory Board on International Education Programs is established under Section 621 of the Higher Education Act of 1965 as amended by the Education Amendments of 1980 (Pub. L. 96-374; 20 U.S.C. 1131). Its mandate to advise the Secretary of Education includes the following:

(1) To advise the Secretary on geographic areas of special need or concern to the United States;

(2) To recommend innovative approaches which may help to fulfill the purposes of Title VI of the Higher Education Act of 1965;

(3) To inform the Secretary of activities which are duplicative of programs operated under other provisions of Federal law;

(4) To recommend changes which should be made in the operation of programs authorized under Title VI in order to ensure that the attention of scholars is attracted to international problems of the United States; and

(5) To advise the Secretary regarding the administrative and staffing requirements of the international education programs in the Department.

This meeting of the National Advisory Board on International Education Programs is open to the public. The proposed agenda includes a description of the current status of U.S. ED Title VI programs including the newly activated Part B of Title VI, Business and International Education Programs, as well as program presentations regarding a proposed reorganization of the Department of Education's Office of Postsecondary Education and the Department of Education budget outlook. The meeting will be held from 9:00 A.M. to 5:00 P.M. on the 1st of September and will continue from 9:00 A.M. to 2:00 P.M. on the 2nd of September.

Records are kept of the Board's proceedings and are available for public inspection at the office of the National Advisory Board on International Education Programs from 8:00 A.M. to 4:30 P.M., ROB-3, 7th & D Streets, SW., Room 3919, Washington, D.C.

Signed at Washington, D.C. on July 27, 1983.

C. Ronald Kimberling,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 83-20622 Filed 8-1-83; 8:45 am]

BILLING CODE 4000-01-M

National Institute of Handicapped Research; Application Notice for Noncompeting Continuation Grants for Fiscal Year 1984

AGENCY: Department of Education, Office of the Secretary.

ACTION: Notice.

SUMMARY: Applications are invited for noncompeting continuation grants for Fiscal Year 1984 under the National Institute of Handicapped Research.

Authority for this program is contained in Section 204 of the Rehabilitation Act of 1973, as amended by Pub. L. 95–602 (29 U.S.C. 762).

Under this program awards are issued to States and public or private agencies and organizations, including institutions of higher education.

The purpose of the awards is to provide continuation support for Research and Demonstration Projects, Research and Training Centers, Rehabilitation Engineering Centers, and Knowledge Dissemination and Utilization Projects.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, applications for a noncompeting continuation award should be mailed or hand delivered no later than 90 days prior to the end of the current budget period.

If the application is late, the Department of Education may lack sufficient time to review it and may decline to accept it.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.133, Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with his local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered. Amendments received after the closing date also will not be considered in the review of the application.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building #3, 7th and D Streets, SW, Washington, D.C. 20202.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds: At this time the amount of the Fiscal Year 1984 appropriation is undetermined. Approximately $26,000,000 is currently expected to be available for noncompeting continuation grants in Fiscal Year 1984. Approximately 67 grants are expected to be awarded; the grants will vary in size, with an approximate range of $80, 000 to $725,000, depending on the scope of the individual grant.

However, these estimates do not bind the U.S. Department of Education to a specified number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages will be mailed to grantees who are eligible to apply for noncompeting continuation grants under this Notice.

Applications must be prepared and submitted in accordance with the instructions and forms included in application packages. Applicants are urged not to submit information that is not requested.

However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

Applicable Regulations: The following regulations are applicable to these programs:

(a) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77 and 78).

(b) National Institute of Handicapped Research Regulations (34 CFR parts 350, 351, 352, 353, and 355).

FOR FURTHER INFORMATION CONTACT: Ms. Edythe Glazer, National Institute of Handicapped Research, U.S. Department of Education, Switzer Office Building, Room 3511, 330 C Street, SW., Washington, D.C. 20202. Telephone (202) 245–0555; TTY for deaf individuals (202) 472–4216.

(20 U.S.C. 760–762)

Dated: July 28, 1983.

Madeleine Will,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

(Catalog of Federal Domestic Assistance No. 84.133, National Institute of Handicapped Research)

[FR Doc. 83-20824 Filed 8-1-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of the Secretary

National Petroleum Council, Miscible Displacement Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Miscible Displacement Task Group of the Committee on Enhanced Oil Recovery will meet in August 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanded oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Miscible Displacement Task Group meeting follows:

The Miscible Displacement Task Group will hold its eighth meeting on Tuesday and Wednesday, August 23 and 24, 1983, starting at 9:00 a.m. each day, in Room 1603, Mobile Exploration and Production Services, Inc., 7200 North Stemmons Freeway, Dallas, Texas.

The tentative agenda for the Miscible Displacement Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.

2. Review progress of Task Group study assignments.

3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Miscible Displacement Task Group is empowered to conduct

the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Miscible Displacement Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provisions will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on July 26, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary, for Fossil Energy.

[FR Doc. 83-20784 Filed 8-1-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Chemical Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Chemical Task Group of the Committee on Enhanced Oil Recovery will meet in August 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Chemical Task Group meeting follows:

The Chemical Task Group will hold its tenth meeting on Wednesday and Thursday, August 17 and 18, 1983, starting at 8:30 a.m. each day, in Room 112, Phillips Petroleum Company, Research Forum, Bartlesville, Oklahoma.

The tentative agenda for the Chemical Task Group Meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Chemical Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Chemical Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for Public review at the Freedom of Information public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on July 26, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-20783 Filed 8-1-83; 8:45 am]

BILLING CODE 6450-01-M

Proposed Heavy Water Retransfer

Notice is hereby given of the proposed approval for the retransfer of 143 metric tons of U.S.-origin heavy water from the Federal Republic of Germany to the Argentine Republic for use as moderator material in the Atucha I and II, and in the EMBALSE reactors.

The proposed retransfer has been reviewed as contemplated under Section 109(b) of the Atomic Energy Act of 1954, and it has been determined that it will not be inimical to the common defense and security.

Dated: July 26, 1983.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-20785 Filed 8-1-83; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Dates and Locations of Public Comment Forums on Proposed Policy on Nonfirm Energy Sales for Utilities' Industrial Loads

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Public Comment Forum Dates and Locations.

SUMMARY: On July 22, 1983, BPA published in the **Federal Register** (48 FR 33518) its "Notice of Proposed Policy, Nonfirm Energy Sales for Utilities' Industrial Loads." That notice stated that written comments would be accepted through August 31, 1983, and that dates and locations of Public Comment Forums would be announced separately.

BPA has scheduled three Public Comment Forums on the proposed policy. In each instance, registration will be at 9:30 a.m.; the forums will be from 10 a.m. to 3 p.m. Each forum will begin with a short presentation describing the proposed policy, followed by formal acceptance of public comments.

The forums will be held on Monday, August 8, 1983, at the BPA Auditorium, 1002 NE. Holladay Street, Portland, Oregon; on Wednesday, August 10, 1983, at the Clearwater Room, Cavanaugh's, North 700 Division, Spokane, Washington; and on Friday, August 12, 1983, at Room H, Conference Center, Seattle Center, 305 Harrison Street, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. Geiger, Public Involvement Manager, P.O. Box 12999, Portland, Oregon 97212, 503-230-3478. Toll-free lines: 800-452-8429 in Oregon outside Portland; 800-547-6048 in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming.

Issued in Portland, Oregon, July 26, 1983.

Peter T. Johnson,

Administrator.

[FR Doc. 83-20787 Filed 8-1-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-83-13; FC Case No. 52036-9234-01, 02-82]

Powerplant and Industrial Fuel use; Acceptance of Petition for a Temporary Public Interest Exemption and Availability of Certification; New York State Electric & Gas Corp.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

SUMMARY: On May 24, 1983, the New York State Electric & Gas Corporation (NYSEG) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a temporary public interest exemption 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") for two auxiliary boilers to be

constructed at its Somerset Station, Somerset, New York.

Final rules setting forth 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) ("final rules") (10 CFR Parts 500, 501, and 503). Eligibility and evidentiary requirements governing the temporary public interest exemption are contained in § 503.25 of the final rules.

The units for which the petition was filed are two oil-fired auxiliary boilers, each with a design heat input rate of 189 million Btu/hr, which are to be used under the requested exemption during the construction of NYSEG's Somerset Station. From September 1983 until May 1984, the boilers will be used to provide heating for the turbine room and from May through October 1984 they will be utilized in conjunction with the testing of the main boiler and other facility systems.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination, and it is therefore accepted pursuant to § 501.3 of the final rules. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701(c) and (d) of FUA and §§ 501.31 and 501.33 of the final rules, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance Availability of Certification, as well as other documents and supporting materials on this proceeding, is 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.

ERA will issue a final order granting or denying the petition for temporary exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the Federal Register.

DATES: Written comments and any requests for a public hearing are due no later than September 16, 1983.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing are to be submitted to: Case Control Unit, Office of Fuels Programs, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. Docket No. ERA-FC-83-013 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-093, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Phone (202) 252-1316.

Marya Rowan, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-222, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: NYSEG plans to install two new auxiliary boilers to support the construction and operation of a 625 megawatt coal-fired electric powerplant presently under constuction at its Somerset Station, Somerset, New York. These units will provide heat for the turbine boiler room and start-up functions for the main coal-fired facility during the requested exemption period, September 1983 to October 1984. At the end of the requested exemption period the oil-fired boilers will remain operational in a support function as permitted by 10 CFR § 500.2. [During operation of the coal-fired facility, the oil consumed by the auxiliary boilers for unit ignition, start-up, flame stabilization, testing, and other control purposes will not exceed twenty-five percent (25%) of the total annual Btu heat input of the auxiliary units and the electric powerplant. Under the definition of "primary energy source" in 10 CFR § 500.2, the use of this amount of oil for these purposes, is not prohibited by the Act. See *Associated Electric Cooperative, et al.*, Interpretation 1980-42 (45 FR 82572 (December 15, 1980)).] Such use in not prohibited by FUA; accordingly, the petitioner is not requesting a permanent exemption.

The final rules provide, at §503.25(c), a certification alterntive to the filing of a more lengthy exemption petition when the use of oil of natural gas is to be in conjunction with (and during) the construction of alternate-fuel fired units. In accordance with that section, NYSEG certified to EAR that the auxiliary boilers will be operated on oil only during the construction of the 625 megawatt coal fired electric powerplant at the Somerset Station, and that other future use of oil in the units will not be subject to FUA prohibition. Accordingly, the period of the requested exemption is from September 1983 to October 1984.

In accordance with the evidentiary requirements of § 503.25(c), NYSEG also included as part of its petition exhibits containing the basis for the certifications described above.

Pursuant to 10 CFR § 501.3 of the final rules, ERA hereby accepts NYSEG's petition for a temporary public interest exemption. ERA retains the right, however, to request additional relevant information from NYSEG at any time during the pendency of these proceedings. As provided in § 501.3(b)(4) of the final rules, the acceptance of the petition by ERA does not constitute a determination that NYSEG is entitled to the exemption requested. That detemination will be based on the entire record of these proceedings, including any comments received during the public comment period provided for in this notice.

Issued in Washington, D.C., on July 27, 1983.

Robert L. Davies,

Deputy Director, Office of Fuels Progams, Economic Regulatory Administration.

[FR Doc. 83-20788 Filed 8-1-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-83-012; FC Case No. 67004-9032-20-24]

Powerplant and Industrial Fuel Use; Acceptance of Petition for Exemption and Availability of Certification by United States Borax & Chemical Corporation

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

SUMMARY: On May 2, 1983, the United States Borax & Chemical Corporation (Borax) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for an electric powerplant 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"). Pursuant to DOE request, Borax twice amended its May 2, 1983, petition, as follows: (1) On July 7, 1983, Borax supplemented the environmental section of its petition, and (2) On July 22, 1983, Borax certified that its petition had been signed by a duly authorized representative of the company. Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in any new powerplant and the construction of any such facility without the capacity to use an alternate fuel as a primary energy source.

Final rules setting forth 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 at 47 FR 29209 (July 6, 1982) ("final rules"). Eligibility and evidentiary requirements governing the cogeneration exemption are contained in § 503.37 of the final rules.

The powerplant for which the petition was filed is a 45 megawatt (MW) combined cycle cogeneration facility capable of using natural gas or No. 2 fuel oil, and designed to produce steam which will connect with the steam distribution system at its Boron, California facility.

Borax states that more than fifty percent of the net annual electric power generation of its turbine generator will be sold to the public utility grid, making the cogeneration facility an electric powerplant pursuant to § 500.2 of the final rules.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination, and is therefore accepted pursuant to § 501.3 of the final rules. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701 (c) and (d) of FUA and §§ 501.31 and 501.33 of the final rules, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification 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, 9:00 a.m. to 4:00 p.m.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register**.

DATES: Written comments are due on or before September 16, 1983. A request for a public hearing must be made within this same 45-day period.

ADDRESS: Fifteen copies of written comments or a request for public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA–093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. Docket No. ERA–FC–83–012 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

William H. Freeman, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–073, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252–2993.

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: Borax plans to install a 45 MW cogeneration powerplant to produce electricity and steam at its plant in Boron, California. The cogeneration facility will consist of a natural gas-fired combustion turbine, with No. 2 fuel oil backup capability, and a natural gas-fired duct burner unit associated with a heat recovery steam generator. The facility will operate on a continuous basis producing 45 MW of electric power and 386,000 pounds per hour of steam.

Section 212(c) of the Act provides for a permanent cogeneration exemption from the prohibitions of Title II of FUA. In accordance with the certification procedures of § 503.37(a)(1) of the final rules, Borax certified that:

1. The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility, where the calculation of savings is in accordance with § 503.37(b) of the final rules; and

2. The use of a mixture of petroleum and natural gas and an alternate fuel in the cogeneration facility for which an exemption under § 503.38 of the final rules would be available, would not be economically or technically feasible.

In accordance with the evidentiary requirements of § 503.37(c), Borax also included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis, as required under § 503.13 of the final rules.

Pursuant to 10 CFR 501.3 of the final rules, ERA hereby accepts Borax's petition for a permanent cogeneration of the final rules exemption. ERA retains the right, however, to request additional relevant information from Borax at any time during the pendency of these proceedings. As provided in § 501.3(b)(4) of the final rules, the acceptance of the petition by ERA does not constitute a determination that Borax is entitled to the exemption requested. That determination will be based on the entire record of these proceedings, including any comments received during the public comment period provided for in this notice.

Issued in Washington, D.C., on July 27, 1983.

Robert L. Davis,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-20789 Filed 8-1-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TA83-2-1-004]

Alabama-Tennessee Natural Gas Co.; PGA Compliance Filing

July 27, 1983

Take notice that on July 14, 1983, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), Post Office Box 918, Florence, Alabama, 35631, tendered for filing Substitute Forty-Second Revised Sheet No. 3–A, as part of its FPC Gas Tariff, Third Revised Volume No. 1. This tariff sheet is proposed to become effective July 1, 1983.

Alabama-Tennessee states that the revised tariff sheet is submitted in compliance with the Commission's letter order of July 1, 1983 in this matter.

Substitute Forty-Second Revised Sheet No. 3–A provides for the following rates:

Rate schedule	Rates after current adjustment
G-1:	
Demand	$8.66
Commodity	342.50¢
SG-1: Commodity	405.77¢
I-1 Commodity	370.58¢

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional customers and affected State Regulatory Commissions.

Any person desiring to be heard or to protest such filing should on or before August 10, 1983 file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with 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 will be considered

by the Commission 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 must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further pleading. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20846 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-20-001]

Algonquin Gas Transmission Co.; Rate Filing Under Rate Schedule STB

July 27, 1983

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on July 14, 1983 tendered for filing the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1:

Eleventh Revised Sheet No. 10C
Fifth Revised Sheet No. 32
Alternate Eleventh Revised Sheet No. 10C
Altenate Fifth Revised Sheet No. 32
Second Alternate Eleventh Revised Sheet No. 10C
Second Alternate Fifth Revised Sheet No. 32

Algonquin Gas states that it is filing the above-mentioned tariff Sheets No. 10C to reflect in Algonquin's Gas' Rate Schedule STB, changes in Texas Eastern Transmission Corporation's ("Texas Eastern") underlying Rate Schedule SS-II. Sheets No. 32 are being filed to reflect changes in the "Basic Withdrawal Quantity Adjustment" under § 6.4 of Rate Schedule STB of said tariff.

Algonquin Gas requests that the Commission accept those tariff sheets effective July 1, 1983, synchronizing its rates with the underlying tariff sheets of Texas Eastern.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or about August 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20847 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-399-000]

Aurora Municipal Gas Utility, Applicant, Texas Gas Transmission Corp., Respondent; Application

July 27, 1983.

Take notice that on July 1, 1983, Aurora Municipal Gas Utility (Applicant), 110 Main Street, Aurora, Indiana 47001, filed in Docket No. CP83-399-000 an application pursuant to Section 7(a) of the Natural Gas Act for an order directing Texas Gas Transmission Corporation (Respondent) to establish an interconnection of its facilities with those proposed for construction by Applicant and to sell and deliver to Applicant up to 4,680 Mcf of gas per day, on a firm basis, for resale and distribution in Aurora, Indiana, and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant submits that it purchases its entire supply of natural gas from the Lawrenceburg Gas Company (Lawrenceburg), a subsidiary of Cincinnati Gas and Electric Company, which in turn purchases gas from Respondent for resale to Applicant. It is further submitted that the service agreement with Lawrenceburg is a year to year contract which can be terminated by six months written notice given by either party.

Applicant asserts that it is experiencing gas loss due to age and condition of its distribution system which requires repairs and replacements.

Applicant further asserts that it has been denied long-term financing by various financing institutions due to the limited terms of the service agreement; thus, it cannot make the much needed repairs and replacements to the distribution system. It is said that the gas losses have become a financial burden on the system, now costing the customers in excess of $200,000 annually.

Applicant states that the only way it can obtain the much needed financing is by having a long-term gas contract with a reliable supplier subject to the jurisdiction of the Commission.

Applicant therefore, proposes that Respondent be directed to provide a delivery point to Applicant from the existing transmission facilities of Respondent which are presently located approximately two miles from Applicant's facilities on U.S. Highway 50.

Applicant further proposes to construct a 4½-inch high-pressure pipeline from its distribution system to Respondent at the existing point of delivery to Lawrenceburg. The cost of the proposed construction, it is said, is $130,000 to be financed through retained earnings, reduction in cost of gas from Lawrenceburg and initially local financing.

Applicant further requests that Respondent be directed to provide to Applicant up to 4,680 Mcf of natural gas per day and 570,000 Mcf of natural gas per year by the transfer of these volumes presently allocated to Lawrenceburg.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 17, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 156.9). 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. 83-20852 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP68-176-000 and CP80-371-001]

Cabot Corp.; Change in Operations

July 27, 1983.

Take notice that on May 26, 1983, Cabot Corporation (Applicant), P.O. Box 1473, Charleston, West Virginia 25325, filed in Docket No. CP68-176-000 a notice pursuant to Section 152.5 of the Commission's Regulations under the Natural Gas Act (NGA) of a change in operations making inapplicable its exemption from the provisions of the

NGA and the regulations of the Commission thereunder pursuant to Section 1(c) of the NGA, all as more fully set forth in the notice which is on file with the Commission and open to public inspection.

It is submitted that by order issued August 1, 1969, in Docket No. CP68–176–000, Applicant was declared exempt from the provisions of the NGA pursuant to Section 1(c) thereof and from the rules and regulations of the Commission issued thereunder.

It is stated that effective May 26, 1983, Applicant transferred all of its exempt Hinshaw facilities to its affiliate, Cranberry Pipeline Corporation. Applicant explains that this transfer is part of a corporate reorganization undertaken to realign Applicant's various West Virginia facilities and operations along functional lines. In addition, Applicant has stated that as a result of the loss of its exempt status, its blanket authorization issued September 18, 1980, in Docket No. CP80–371–000 pursuant to Subpart G of Part 284 of the Regulations to implement the Natural Gas Policy Act of 1978 Section 311-type transactions has become moot. Cabot has terminated the transactions under such blanket authorizations, it is indicated.

Any person desiring to be heard or to make any protest with reference to said notice should on or before August 17, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). 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 protestants parties to the proceeding. Any person wishing to become a party to the 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. 83-20853 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-433-008]

Columbia Gas Transmission Corp.; Petition To Amend

July 27, 1983.

Take notice that on July 1, 1983 Columbia Gas Transmission Corporation (Petitioner), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP81–433–008, a petition to amend further the order issued October 15, 1982, in the Docket No. CP81–433–000, as amended, pursuant to Section 7(c) of the Natural Gas Act, so as to delete certain authorizations granted therein, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The October 15, 1982, order authorized the increases in the levels of Total Daily Entitlements (TDE) for certain wholesale customers of Petitioner and the construction and operation of certain pipeline and compressor facilities necessary to provide service at the increased service levels.

Petitioner has been advised by Baltimore Gas and Electric Company (Baltimore), Bluefield Gas Company (Bluefiedl) and Washington Gas Light Company (Washington), which has previously requested increased TDE levels authorized in Docket No. CP81–433–001, that they no longer need the requested increases. Petitioner, therefore, requests amendement of the order issued October 15, 1982, by deleting authorization for service under agreements designated in Ordering Paragraph (F)(1)(a), (g) and (f). The subject revised service agreements which Petitioner states are no longer needed are as follows:

(1) A revised service agreement with Baltimore effectuating an increase in its contract demand under Rate Schedule CDS of 10,000 dt equivalent of gas per day from 360,000 dt per day to 370,000 dt per day and a reduction in its winter contract quantity, under Rate Schedule WS, of 460,000 dt from 8,280,000 dt to 7,820,000 dt in Zone 2.

(2) A revised service agreement with Bluefield effectuating an increase in its contract demand under Rate Schedule CDS of 300 Mcf per day from 5,600 Mcf per day to 5,900 Mcf per day in Zone 1.

(3) A revised service agreement with Washington effectuating an increase in its contract demand under Rate Schedule CDS of 27,000 dt equivalent per day from 408,900 dt per day to 435,900 dt per day in Zone 2.

The TDE increases, which are no longer needed, total approximately 37,300 dt per day (wet basis) or 38,000 dt per day (dry basis) in Petitioner's eastern market area.

Petitioner states that Columbia Gas of Pennsylvania, Inc., no longer requires the increased deliveries on the 1804 System of gas within existing TDE as detailed in Petitioner's applications in Docket Nos. CP81–433–000 and CP81–433–001.

As a result of the cancellation of the foregoing TDE increases and a projected overall reduction in seasonal requirements by Petitioner's eastern market area customers, for the 1983–84 winter, Petitioner requests amendment of the order of October 15, 1982 (which authorized construction of 103.7 miles of 24-inch pipeline loop and related compression facilities) by deleting 37.7 miles of 24-inch pipeline loop construction authorized on the 1804 System.

Petitioner states that the proposed cancellation of TDE increases for Baltimore, Bluefield and Washington has obviated the need to continue the transportation of gas from Line 1804 to the WB System via the Consolidated System LNG Company (Consolidated LNG) Loudoun pipeline. It is explained that this transportation was provided pursuant to an existing transportation agreement between Consolidated LNG and Petitioner under which agreement Petitioner delivered gas to Consolidated LNG at an interconnection of Petitioner's Line 1804 and Consolidated LNG's pipeline located in Franklin County, Pennsylvania, for transportation and delivery to Petitioner's Loudoun Compressor Station located in Loudoun County, Virginia. Petitioner states that the 37.7 miles of 24-inch pipeline has not been constructed and is no longer required.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 17, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20854 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-112-000]

Equitable Gas Co.;

July 27, 1983.

Take notice that on July 15, 1983, Equitable Gas Company (Equitable) tendered for filing and application pursuant to Section 4 of the Natural Gas Act and § 154.63 of the Commission's Regulations for an increase in the transportation rate for gas transported by Equitable for Carnegie Natural Gas Company (Carnegie) in Pennsylvania from 4.5 cents per Mcf (authorized pursuant to a Transportation Agreement dated February 18, 1932, as amended) to 15.5 cents per Mcf, based on an Agreement between Equitable and Carnegia dated June 1, 1983. The additional revenue resulting from said increase would amount to $50,044.39 annually based on the amount of transportation provided by Equitable during the twelve (12) month period ending December 31, 1982, which is de minimis in relation to Equitable's total 1982 operating revenues (less than two one-hundredths of one (1) percent (.02%)). Even based on a maximum of transportation volume of 5,000 Mcf/day authorized pursuant to the terms of the June 1, 1983 Agreement between Equitable and Carnegie (which Agreement is the subject of an Application being filed concurrently herewith), the increase would be less than six one-hundredths of one (1) percent (.06%) of Equitable's total 1982 operating revenues.

The application was made in the form prescribed for minor rate increases under § 154.63 of the Commission's Rules and Regulations and a concurrent request was made pursuant to a companion Application for a waiver of the cost of service requirements contained in § 154.63 of the Commission's Rules and Regulations. The proposed transportation rate increase is requested to reflect increases in operating and maintenance costs since 1932. The proposed transportation rate conforms to the rate charged for transportation provided by Equitable under other existing certified Agreements commencing with that approved by the Commission on January 11, 1980, in Docket No. CP79-65.

A copy of this filing was served on Carnegie Natural Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulation Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before August 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 20855 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-111-000]

Equitable Gas Co.; Application

July 27, 1983.

Take notice that on July 15, 1983, Equitable Gas Company (Equitable) filed an Application for permission and approval for a waiver of the cost of service requirements contained in Section 154.63 of the Commission's Rules and Regulations as such relates to a proposed increase in the transportation rate for 4.5¢ per Mcf to 15.5¢ per Mcf for Carnegie Natural Gas Company (Carnegie) in Pennsylvania, which is being concurrently filed herewith. The additional revenues resulting from said increase would amount to $50,044.39 annually, based on the amount of gas transported for Carnegie by Equitable during the twelve (12) month period ending December 31, 1982, which is de minimis in relation to Equitable's total 1982 operating revenues (less than two one-hundredths of one (1) percent (.02%)). Even based on a maximum of transportation volume of 5,00 Mcf/day authorized pursuant to the terms of the June 1, 1983 Agreement between Equitable and Carnegie (which Agreement is the subject of an Application being filed concurrently herewith), the increase would still be less than six one-hundredths of one (1) percent (.06%) of Equitable's total 1982 operating revenues. The rates to Carnegie have remained unchanged since February 18, 1932. The proposed transportation rate conforms to the rate charged for transportation provided by Equitable under other existing certified Agreements, commencing with that approved by the Commission on January 11, 1980, in Docket No. CP79-65.

Equitable states that copies of this Application have been served on Carnegie Natural Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before August 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-20856 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-423-000]

Lone Star Gas Co., a Division of ENSERCH Corp.; Application

July 27, 1983.

Take notice that on July 15, 1983, Lone Star Gas Company, a Division of ENSERCH Corporation (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP83-423-000 an application pursuant to Section 7 of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the construction, acquisition, and operation of certain facilities and the transportation and sale of natural gas and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it seeks a blanket certificate to allow it to negotiate individual transactions with other interstate pipelines. Although Applicant has no transportation rate on file with the Commission, Applicant indicates that it would charge each interstate pipeline for the transportation service rendered no more than the same rate that the interstate pipeline would charge for the same service according to its rates on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 17, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the

Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commissioin's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the porpose 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. 83-20857 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-48-003]

Michigan Wisconsin Pipe Line Co.; Filing

July 27, 1983.

Take notice that on July 15, 1983, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing Third Substitute Eighteenth Revised Sheet No. 7 and Substitute Nineteenth Revised Sheet No. 7 to its FERC Gas Tariff, Original Volume No. 1, to be effective May 1 and July 1, 1983, respectively, in compliance with the Commission's order issued on June 30, 1983, in the referenced docket.

Michigan Wisconsin states that the Commission order accepted for filing effective May 1 and July 1, 1983, Second Substitute Eighteenth Revised Sheet No. 7 and Nineteenth Revised Sheet No. 7, respectively, subject to revision to reflect current pipeline supplier rates. Since Michigan Wisconsin's June 1, 1983 filing of such tariff sheets, certain of its pipeline suppliers have received Commission approval to change rates charged to Michigan Wisconsin. Such changes are reflected in the tariff sheets and schedules attached to the filing.

Copies of the filing are being mailed to each of Michigan Wisconsin's customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before August 8, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20858 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST82-287-001]

Mississippi Fuel Co.; Application for Approval of Rate

July 27, 1983.

Take notice that on June 14, 1983, Mississippi Fuel Company (Applicant), 1100 First National Center East, Oklahoma City, Oklahoma 73102, fied in Docket No. ST82-287-001 an application pursuant to § 284.123(b)(2) of the Commission's Regulations for approval of a revised rate and charge for the transportation of natural gas on behalf of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a transportation and exchange agreement among Tennessee, Applicant, System Fuels, Inc., and Mississippi Power & Light Company dated April 15, 1982, portions of an intrastate pipeline operated by Applicant were used for the transportation and redelivery of natural gas to Tennessee. The agreement of April 15, 1983, provided for an initial charge of 17.45 cents per Mcf of gas transported and that effective June 15, 1982, the transportation rate was amended and increased to 20.27 cents per Mcf.

Applicant now proposes a further transportation rate of 16.59 cents per Mcf pursuant to an agreement dated April 15, 1982, which provides, *inter alia*, that Tennessee would pay to Applicant a fee for transportation services rendered thereunder which shall be fair and equitable and that such rate shall be determined in accordance with the provisions of paragraph (b) of § 284.123 of the Commission's Regulations.

It is asserted that the revised rate is fair and equitable and is not in excess of an amount which is reasonably comparable to the rates and charges which interstate pipelines would be permitted to charge for providing similar transportation services.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 17, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20859 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-16-001]

National Fuel Gas Supply Corp.; Rate Filing

July 27, 1983.

Take notice that on July 15, 1983, National Fuel Gas Supply Corporation (National Fuel) tendered for filing Substitute Forty-third Revised Sheet No. 4 of National Fuel's FERC Gas Tariff, Original Volume No. 1. This substitute tariff sheet is proposed to be effective at the same time as National Fuel's purchased gas adjustment (PGA) filed July 1, 1983, is placed into effect.

Substitute Forty-third Revised Sheet No. 4 reflects an increase of 1.02 cents per Mcf over the original filing in this proceeding. National Fuel states that this surcharge increase results solely from pricing National Fuel's production based on the Natural Gas Policy Act of 1978 (NGPA), net of the cost of service associated with that production, for the period from June 1, 1982 through October 31, 1982.

National Fuel states that it was unable to include the *Mid-La* surcharge in its July 1, 1983 PGA filing because it was administratively impossible for National Fuel to change its filing with a three day notice. In the July 1, 1983 filing National Fuel requested waiver of Article 17, Section 3.4 of the General Terms and Conditions of its FERC Gas Tariff, which relates to the 30-day notice requirement, in order to file this substitute tariff sheet to that filing. National Fuel therefore submits that good cause exists to waive this provision of its FERC Gas Tariff, and permit the filing of this substitute tariff sheet.

As a result of this substitution, the purchase gas cost surcharge adjustment now provides for an increase of 34.40 cents per Mcf resulting from the elimination of the currently effective surcharge of 9.49 cents which will expire July 31, 1983, and the inclusion of a 24.91 cents surcharge for amortizing the Account 191 balance. The calculation of the current surcharge of 24.91 cents for amortizating the $21,900,110.55 of unrecovered purchased gas costs is shown on substitute Schedule 2.

National Fuel states that it continues to reserve its right to collect the revenues associated with its pipeline production for the period from December 1, 1978 to June 1, 1982, as detailed in the July 1, 1983 PGA filing.

National Fuel respectfully requests a waiver of any of the Commission's rules and regulations, as may be required, to permit Substitute Forty-third Revised Sheet No. 4 to be effective August 1, 1983.

A copy of the substitute tariff sheet and transmittal letter was mailed to all of National Fuel's purchasers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before August 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20660 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-28-005]

Panhandle Eastern Pipe Line Co.; Change in Tariff

July 27, 1983.

Take notice that on July 18, 1983 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revised sheets to its FERC Gas Tariff, Original Volume No. 1:

Forty-Sixth Revised Sheet No. 3–A
Twenty-Third Revised Sheet No. 3–B
Ninth Revised Sheet No. 3–C.1
Ninth Revised Sheet No. 3–C.2
Ninth Revised Sheet No. 3–C.3

The proposed effective date of these tariff sheets is September 1, 1983.

These revised tariff sheets reflect a reduced PGA rate adjustment of 7.17¢ per Dt, resulting from Panhandle's projected reduced gas purchase costs. There is no change in the rate adjustments associated with the recovery of amounts in the Deferred Purchased Gas Cost Account, which reflects an amortization over a three-year period, or in the related carrying charges, from those rate adjustments which became effective June 1, 1983, subject to refund, in Docket No. TA83-2-28-000.

Additionally, these revised tariff sheets reflect the following tracking adjustment:

(1) A rate reduction pursuant to Section 18.4 of Panhandle's PGA tariff provisions, to reflect a proposed Pipeline Supplier demand rate adjustment to be effective concurrently herewith;

(2) A ANGTS rate reduction pursuant to Section 22 of the General Terms and Conditions;

(3) A DCA Commodity Surcharge Adjustment pursuant to Section 16.6(e) of the General Terms and Conditions; and

(4) Projected Incremental Pricing Surcharges in accordance with Section 21 of the General Terms and Conditions.

Panhandle states that proposed PGA rate reduction reflects a continuation of the program implemented earlier this year to make significant changes in Panhandle's purchase gas patterns, including:

(1) reduction in volumes of Canadian gas purchased from Canadian suppliers; and

(2) reduction in Panhandle's purchases from its pipeline supplier, Trunkline Gas Company; and

(3) changes in the purchase pattern of Panhandle's domestic gas supplies involving increased proportions of purchased gas from low cost (Section 104 and Section 106) sources and lower volumes of gas from other NGPA categories.

The proposed PGA rate reduction also reflects the utilization of a projected six-months gas purchase pattern and sales volumes.

Panhandle further states that in order to implement this PGA rate reduction, it is necessary for Panhandle to request waiver of several requirements in the normal PGA and tariff procedures. All necessary waivers are hereby respectfully requested. These include:

(a) Waiver of the portion of Section 18.2 and 18.4 of Panhandle's tariff that calls for historical gas purchase patterns and sales volumes in the computation of the PGA rate adjustment, in order to reflect the projected sales volumes and the proposed change in gas purchase patterns upon which this rate reduction is based.

(b) Waiver of the provisions of the PGA tariff and regulations to continue the amortization of the deferred purchase gas cost account over a period of 36-months, and collection of related carrying charges, which procedures became effective June 1, 1983, subject to refund, in Docket No. TA83-2-28-000.

To the extent required, if any, Panhandle requests that the Commission grant such other waivers as may be necessary for the acceptance of these tariff sheets to become effective September 1, 1983.

Further, Panhandle's pipeline supplier, Trunkline Gas Company (Trunkline), is filing concurrently herewith revised tariff sheets to become effective September 1, 1983. Included in that filing are certain alternate tariff sheets which would become effective September 1, 1983, in the event the Commission did not accept Trunkline's proposed revised tariff sheets. Therefore, Panhandle submits herewith for filing, to become effective September 1, 1983, six (6) copies of the following Alternate Revised Sheets to its FERC Gas Tariff, Original Volume No. 1:

Alternate Forty-Sixth Revised Sheet No. 3–A
Alternate Twenty-Third Revised Sheet No. 3–B
Alternate Ninth Revised Sheet No. 3–C.1
Alternate Ninth Revised Sheet No. 3–C.2
Alternate Ninth Revised Sheet No. 3–C.3

These alternate tariff sheets reflect Trunkline's alternate tariff sheets and result in a PGA rate increase of 11.18¢ per Dt. Also included in the alternate tariff sheets is the purchased gas cost deferred account amortization and the ANGTS tracking adjustment previously described.

Copies of this letter and enclosures are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before August 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-20826 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TC83-36-000 and RP78-85-001]

Panhandle Eastern Pipe Line Co.; Tariff Filing

July 26, 1983.

Take notice that on June 29, 1983, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, tendered for filing in Docket Nos. TC83-36-000 and RP78-85-001 pursuant to Section 4 of the Natural Gas Act and Part 154 of the Commission's Regulations, Seventh Revised Sheet Nos. 2 through 38 to its FERC Gas Tariff, Original Volume No. 1-A, all as more fully set forth in the tariff sheets which are on file with the Commission and open to public inspection.

Panhandle states that on February 8, 1980, the Commission approved a stipulation and agreement (agreement) dated December 6, 1979, in the proceeding, *Village of Pawnee, Illinois, et al.* v. *Panhandle Eastern Pipe Line Company*, in Docket No. RP78-85. Pursuant to such agreement, it is submitted, certain small customers as defined in Article II thereof are permitted to add new Priority 1 requirements up to ten percent of their original annual base period volumes during the first twelve-month period and up to eight percent of their original annual base period volumes in each succeeding twelve-month period that the agreement is in effect. It is further submitted that Article V of such agreement requires the small customers to report to Panhandle changes in their estimated monthly and annual volumes which changes are to be reflected as adjustments to the monthly base period volumes for each small customers.

Accordingly, Panhandle tenders for filing Seventh Revised Sheet Nos. 2 through 38 to its FERC Gas Tariff, Original Volume Nos. 1-A, reflecting such adjustments in the monthly base period for each small customer and requests an effective date of August 1, 1983.

Any person desiring to be heard or to make protest with reference to said filing should on or before August 3, 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 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20827 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-7004-015]

Pennzoil Co.; Fifth Amendment to Application for Immediate Clarification or Abandonment Authorization

July 26, 1983.

Take notice that on July 21, 1983, Pennzoil Company (Pennzoil), P.O. Box 2967, Houston, Texas 77001, filed in Docket No. G-7004-015 an application for immediate clarification of Order dated November 24, 1980 in the above-referenced docket, or abandonment authorization for as much gas as is required to allow sales of gas to twelve new applicants for residential service in West Virginia in addition to those applicants specified in Pennzoil's original application filed on October 25, 1982. In filing this Fifth Amendment to its original application, Pennzoil incorporates herein and renews each of the requests for clarification or abandonment authorization set forth in that application. Service to these applicants and existing customers would be provided from gas supplies that would otherwise be sold to Consolidated Gas Supply Corporation (Consolidated), an interstate pipeline.

Pennzoil states that immediate action is necessary to protect the health, welfare and property of the applicants and customers in West Virginia who depend upon Pennzoil for their gas supply needs. Pennzoil also states that immediate action also is required because, by order dated October 21, 1982, the Public Service Commission of West Virginia directed Pennzoil "to show cause, if any it can, why it should not be found to be in violation of its duty . . . to provide adequate gas service to all applicants . . . and why it should not be required to provide service to domestic customers in West Virginia when requests are received for same.

Consolidated has indicated that it has no objection to the requested authorization.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said amendment to the original application should on or before, August 3, 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, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therin must file a petition to intervene in accordance with the Commission's Rules. Any person previously granted intervention in connection with Pennzoil's original application in Docket No. G-7004-006 need not seek intervention herein. Each such person will be treated as having also intervened in Docket No. G-7004-015.

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 fruther notice before the Commission on the amendment to the original application in the event no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20828 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-390-000]

Southern Natural Gas Co.; Request Under Blanket Authorization

July 27, 1983.

Take notice that on June 27, 1983, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP83-390-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Applicant proposes to construct and operate certain pipeline, compression, measurement, and regulation facilities under the authorization issued in Docket No. CP82-406-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas sales and purchase agreement (Agreement) between Applicant and Arco Oil and Gas Company, a Division of Atlantic Richfield Company (successor in interest to the Southern Production Company) (Arco), dated May 7, 1951, as amended, it has the right to purchase Arco's interest in the natural gas reserves produced in the Carthage Field, Panola County, Texas. It is asserted that substantially all of the gas Applicant purchases under the agreement is delivered to United Gas Pipe Line Company (United) for transportation to Applicant's pipeline system at a central point of delivery at the site of United's former Carthage Gasoline Plant and at several points of delivery on Applicant's gathering facilities in the Carthage Field. It is also indicated that by an agreement dated May 11, 1983, Applicant and Arco agreed to amend the Agreement to provide, *inter alia*, for a new central point of delivery for the gas currently delivered at the former Carthage Plant and at various wells attached to United's gathering facilities as well as all gas from new wells drilled on acreage dedicated under the Agreement.

Applicant states further that in order to connect the new central point of delivery in the Carthage Field to its pipeline system it proposes to construct and operate the following facilities:

(1) Approximately 33.5 miles of 10-inch pipeline that would extend from a central point in the Carthage Field to a point of interconnection on Applicant's 14-inch Logansport line immediately downstream of Applicant's Logansport compressor station.

(2) A regulator station that would be installed at the above stated point of interconnection.

(3) Three 600 horsepower compressors and a receiving station consisting of measuring facilities and certain related and appurtenant facilities that would be installed at the inlet of the proposed pipeline in the Carthage Field. It is stated that the proposed compression units are required to raise the field delivery pressure of approximately 300 psig to the pipeline operating pressure of approximately 680 psig.

(4) A 46 horsepower compressor to be installed at Applicant's Spider compressor station. It is stated that this compressor is required to maintain the gas flows currently compressed and delivered through this station because a higher discharge would be required to enter the Logansport line. Applicant avers that the operating pressure of the Logansport line would be required to increase from approximately 500 psig to approximately 650 psig in order to accomodate efficiently the proposed increased quantities of gas available from the Carthage Field.

Applicant states that the estimated cost of the facilities proposed herein is $10,631,635.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20829 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-109-000]

Tennessee Gas Pipeline Co. et. al.; Complaint, Request for Evidentiary Hearing and for Expedited Consideration, and Petition for Declaratory Orders

July 27, 1983.

In the matter of Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., Complainant, v. Amoco Production Company, Chevron, U.S.A. Inc., Exxon Corporation, Gulf Oil Corporation, Kerr-McGee Corporation, The Louisana Land & Exploration Company, Moore McCormack Oil & Gas Corporation, Pan-Canadian Petroleum Company, Placid Oil Company, Sanchez-O'Brien Oil & Gas Company, J. E. Stack, Jr., The Superior Oil Company, Systems Fuels, Inc., Texaco, Inc., Tomlinson Interests, Inc., Respondents.

Take notice that on July 14, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., (Tennessee) tendered for filing a complaint against several companies which sell gas to Tennessee, and requested an evidentiary hearing and expedited consideration, and a petition for declaratory order. Tennessee requests that the Commission issue a declaratory order finding it has jurisdiction over all matters in the complaint, and that the Commission request that, pending a hearing and decision, each court action pending against Tennessee's implementation of its Emergency Gas Purchase Policy (EGPP) be stayed.

Tennessee further requests that, after hearing and consideration of Tennessee's complaint, the Commission issue an order finding and declaring the following:

(1) that a serious supply/demand imbalance exists on Tennessee's pipeline system, which, if not dealt with immediately, will cause severe adverse impact upon and injury to the public interest;

(2) that Tennessee's EGPP is a reasonable means of preventing injury to the public interest, and making the EGPP effective by Commission order as of May 1, 1983;

(3) that the gas purchase practices and temporary suspension and modification of certain contractual provisions placed into effect by Tennessee pursuant to the EGPP with respect to Respondent's gas sales contracts on May 1, 1983, are

reasonable and necessary to prevent serious and adverse impact upon and injury to the public interest;

(4) that (i) Tennessee's practices under the EGPP are, and were as of May 1, 1983, just and reasonable practices, (ii) practices by Respondents contrary to the EGPP are or would be unjust, unreasonable, unduly discriminatory or preferential, (iii) such just, and reasonable EGPP practices are to be observed by Tennessee in connection with reducing purchases of gas under its contracts, and (iv) Tennessee is directed to adhere to the just and reasonable practices so determined through December 31, 1985, unless it certifies to the Commission at some earlier date that the supply/demand imbalance crisis on its system has been disallowed; and

(5) that the Commission make and issue such further findings, orders or decrees as may be necessary or appropriate to protect the public interest.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before August 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20830 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-326-000]

Texas Eastern Transmission Corp.; Application

July 27, 1983.

Take notice that on May 16, 1983, Texas Eastern Transmission Corporation (Applicant), P. O. Box 2521, Houston, Texas 77252, filed in Docket No. CP83-326-000 an application pursuant to Section 7(c) of the Natural Gas Act for a limited term certificate of public convenience and necessity authorizing the transportation of natural gas for New Jersey Natural Gas Company (New Jersey), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 15,000 dt equivalent of natural gas per day for New Jersey. It is stated that New Jersey has available from its general system supply quantities of natural gas which would not be needed to satisfy other requirements on its system and has arranged for such quantities to be delivered, for purposes of liquefaction and storage, to Transcontinental Gas Pipe Line Corporation's (Transco) liquefaction plant in Carlstad, New Jersey. Applicant proposes to receive natural gas from New Jersey, by displacement, at the existing point of interconnection between Applicant and New Jersey located at Applicant's meter station 953 in Middlesex County, New Jersey or at other mutually agreeable existing delivery points in Applicant's Zone D, and to transport and redeliver equal quantities to Transco, for the account of New Jersey, at the existing point of interconnection between Applicant and Transco located at Applicant's meter station 249 in Montgomery County, Pennsylvania. Transco would then transport such quantities to its liquefaction plant in Carlstad, New Jersey. Such quantities would ultimately be redelivered to New Jersey.

It is explained that for all gas transported and delivered hereunder, Applicant would charge New Jersey the applicable effective Rate Schedule TS-1 Basic rate per dt equivalent delivered under Applicant's Rate Schedule TS-1, as it may be changed from time to time; provided however, for all gas transported and delivered by Applicant which, when added to the quantities of natural gas delivered to New Jersey under Applicant's Rate Schedule TS-1, non-firm SS-II and other transportation agreements, exceed the combined total curtailment of natural gas sales to New Jersey under all of Applicant's firm sales rate schedules, New Jersey would pay Applicant the applicable effective Rate Schedule S-1 excess rate per dt equivalent of gas delivered under Applicant's Rate Schedule TS-1, as it may be changed from time to time.

Applicant states that the proposed service would not adversely affect or displace capacity for services or sales to high priority users, and has requested a term of 6 months for this service.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 17, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if not 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 Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20831 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP83-106-000 Ch.]

Transwestern Pipeline Co. et al; Filing of Answer of El Paso To Petition of Transwestern and Request for Institution of Consolidated Section 5(a) Investigation

In the matter of Transwestern Pipeline Co. Docket No. RP83-106-000, El Paso Natural Gas Co., Docket No. RP83-100-000, Transwestern Pipeline Co., Docket Nos. RP81-130-000, *et al.*, Pacific Gas Transmission Co., Docket No. RP83-113-000. July 27, 1983.

Take notice that on July 18, 1983, El Paso Natural Gas Compny (El Paso) filed an answer to a Petition To Institute Proceeding For Consolidation And Stay filed by Transwestern Pipeline Company (Transwesten). El Paso states that it supports Transwestern's position that questions concerning Transwestern's minimum bill to Pacific Lighting Gas Supply Company should be addressed on a consolidated proceeding. El Paso

contends, however, that El Paso's filing in Docket No. RP83–100–000 is relevant to that inquiry in that it affects El Paso's minimum bill to both Southern California Gas Company (SoCal) and Pacific Gas and Electric Company (PG&E). Therefore, El Paso states that the investigation requested by Transwestern should also include an examination of the minimum bill obligations of PG&E, particularly with those of its affiliate, Pacific Gas Transmission Company (PGT).

El Paso contends that there is a substantial disparity between SoCal's and PG&E's minimum bill obligations to El Paso, on the one hand, and those customers' minimum bill/minimum physical take obligations to their other principal suppliers on the other. El Paso states that its filing at Docket No. RP83–100–000 was made in response to disparities between El Paso's position as a supplier in California, and the minimum bill/minimum take obligations that both SoCal and PG&E have with each of their principal suppliers. El Paso concludes that a consolidation of Docket No. RP83–100–000 with Transwestern's proceeding at Docket Nos. RP81–130–000, *et al.*, would necessarily bring into the consolidated proceeding questions concerning the sales by PGT to PG&E.

El Paso also states that if Transwestern's petition were granted in its present form, however, the proceeding would involve an incomplete investigation of the entirety of the minimum bill/minimum take obligations involved with the principal suppliers to California and that the arrangements between PG&E and PGT would not be the subject of direct Commission investigation. Consequently, El Paso requests that the Commission grant Transwestern's petition and also initiate a consolidated investigation under Section 5(a) of the Natural Gas Act concerning the propriety of the minimum bill/minimum take obligations which PG&E has with its other principal suppliers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before August 11, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 83-20832 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-30-000]

Trunkline Gas Co.; Change in Tariff

July 27, 1983.

Take notice that on July 18, 1983 Trunkline Gas Company (Trunkline) tendered for filing Forty-Third Revised Sheet No. 3–A and Ninth Revised Sheet No. 3–B to its FERC Gas Tariff, Original Volume No. 1.

The proposed effective date of these revised tariff sheets is September 1, 1983.

The PGA rate adjustment amounting to 4.92¢ per Dt rate reduction is composed of the following:

(1) A 6.20¢ per Dt decrease resulting from Trunkline's projected reduced annual gas purchase costs; and

(2) A 1.14¢ per Dt decrease in the recovery of amounts in the Deferred Purchased Gas Cost Account, which reflects a proposed amortization of the Deferred Purchased Gas Cost Account over a three-year period; and

(3) A 2.42¢ per Dt increase in the Deferred Purchased Gas Carrying Cost Account.

Additionally, these revised tariff sheets reflect the following tracking adjustments of 0.99¢ per Dt reduction in the Commodity rates and 33¢ per Mcf reduction in Demand rates. These reductions result from the following:

(1) a Gas Purchase Prepayments tracking adjustment pursuant to Article III of the Stipulation and Agreement dated March 25, 1983 in Docket Nos. RP81–103 and RP82–130 which was approved by the Commission's Order issued July 8, 1983; and

(2) a Purchased Gas Transmission and Compression tracking adjustment pursuant to Article V of the Stipulation and Agreement dated August 26, 1981 in Docket No. RP80–106; and

(3) an Advance Payment tracking adjustment pursuant to Article IV of the Stipulation and Agreement dated August 26, 1981 in Docket No. RP80–106; and

(4) Projected Incremental Pricing Surcharges in accordance with Section 21 of the General Terms and Conditions.

Trunkline states that this proposed rate reduction reflects significant changes in the methods of calculating the underlying gas purchase costs, and in the recovery of those costs. Specifically, these changes include:

(1) Utilization of projected annual gas purchase patterns and sales volumes, including purchases from Trunkline LNG Company at a reduced level of 60% of contract volumes and projected annual sales volumes.

(2) Amortization over a 36-month period of the deferred purchase gas cost account balance outstanding at May 31, 1983.

In addition to these changes, Trunkline is proposing to modify the timing of its scheduled PGA rate adjustments, which is currently on a semi-annual basis and becomes effective each September 1 and March 1, to reflect an annual PGA rate adjustment effective each September 1. Therefore, this rate reduction would remain in effect for one year from September 1, 1983, so that the next PGA adjustment would not take effect until September 1, 1984. This annual PGA adjustment will result in greater rate stability on Trunkline's system, which is beneficial to our customers. This modification will greatly assist Trunkline's customers in having more uniform rates for a twelve-month period.

The relatively high current balance in the deferred purchased gas cost account is primarily the result of the delay in reflecting in Trunkline's rates the cost of gas purchased from Trunkline LNG Company. This new supply began entering Trunkline's system during October 1982 as authorized by the Commission. Trunkline requested an adjustment in its rates, to become effective November 1, 1982, to collect such costs on a current basis, but the Commission at that time rejected Trunkline's request for a waiver of the regulations, which would have permitted the rate adjustment to go into effect immediately. Thus the bulk of the deferred dollars relate to the LNG costs for December 1982, and January and February 1983.

Trunkline further states that in order to implement these changes, it is necessary for Trunkline to request waiver of several requirements in the normal PGA and tariff procedures. All necessary waivers are hereby respectfully requested. These include:

(a) Waiver of the portion of Section 18 of Trunkline's tariff that calls for historical gas purchase patterns and sales volumes in the computation of the PGA rate adjustment, in order to reflect the projected sales volumes and gas purchase patterns upon which a portion of this rate reduction is based.

(b) Waiver of the provisions of the PGA tariff and regulations to permit

amortization of the deferred purchased gas cost account over a period of 36-months, in order to smooth out the collection of the unusually large deferred balance, which would otherwise result in a significant increase in the rates effective September 1.

(c) Waiver of the PGA tariff and regulations to permit utilization of annual, rather than semi-annual, PGA rate adjustments.

To the extent required, if any, Trunkline requests that the Commission grant such other waivers as may be necessary for the acceptance of these tariff sheets to become effective September 1, 1983.

Trunkline anticipates favorable Commission action on the proposed tariff sheets filed herewith. However, in the event the Commission were to reject the proffered tariff sheets, Trunkline is also filing herewith alternate tariff sheets, to become effective September 1, 1983, which reflect Trunkline's current effective PGA tariff provisions and applicable Commission regulations.

Therefore, Trunkline also submits herewith for filing six (6) copies each of the following Alternate Revised Sheets to its FERC Gas Tariff, Original Volume No. 1:

Alternate Forty-Third Revised Sheet No. 3–A
Alternate Ninth Revised Sheet No. 3–B

These alternate tariff sheets reflect an increased semi-annual PGA rate adjustment of 61.77¢ per Dt, in accordance with Section 18 of Trunkline's PGA tariff provisions, including recovery of the amounts in the deferred purchased gas cost account. The alternate tariff sheets also include the Gas Purchase Prepayment, Purchased Gas Transmission and Compression, and Advance Payment tracking adjustments previously described.

Copies of this letter and enclosures are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before August 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-20833 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TC83-35-000 and RP78-86-001]

Trunkline Gas Co.; Tariff Filing

July 26, 1983

Take notice that on June 29, 1983, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, tendered for filing in Docket Nos. TC83-35-000 and RP 78-86-001 pursuant to Section 4 of the Natural Gas Act and Part 154 of the Commission's Regulations, Seventh Revised Sheet No. 21–C.8 to its FERC Gas Tariff, Original Volume No. 1, all as more fully set forth in the tariff sheet which is on file with the Commission and open to public inspection.

Trunkline states that on February 8, 1980, the Commission approved a stipulation and agreement (agreement) dated December 6, 1979, in the proceeding *Koskoskia Gas Company et al.* v. *Trunkline Gas Company*, in Docket No. RP78-86. Pursuant to such agreement, it is submitted, certain small customers as defined in Article II thereof are permitted to add new Priority 1 requirements up to ten percent of their original annual base period volumes during the first twelve-month period and up to eight percent of their original annual base period volume in each suceeding twelve-month period that the agreement is in effect. It is further submitted that Article V of such agreement requires the small customers to report to Trunkline changes in their estimated monthly and annual volumes which changes are to be reflected as adjustments to the monthly base period volumes for each small customer.

Accordingly, Trunkline tenders for filing Seventh Revised Sheet No. 21–C.8 to its FERC Gas Tariff, Original Volume No. 1, reflecting such adjustments in the monthly base period for each small customer and requests an effective date of August 1, 1983.

Any person desiring to be heard or to make protest with reference to said filing should on or before August 3, 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 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-20834 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-352-000]

American Energy Projects, Inc., Wind Energy Partners IV, Contra Costa County, California; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

July 27, 1983.

On July 18, 1983, American Energy Projects, Inc. (Applicant), of 5 Palo Alto Square, Suite 410, Palo Alto, California 94306, 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 small power production facility will be located at Armstrong Road, in Contra Costa County, California. The primary energy source for the facility will be wind. The facility's construction will begin August 1, 1983 and will consist of 60 wind turbine generators. The total capacity of the facility will be 10.2 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, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests 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. 83-20848 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-353-000]

American Energy Projects, Inc., Wind Energy Partners III, Alameda County, California; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

July 27, 1983.

On July 18, 1983, American Energy Projects, Inc. (Applicant), of 5 Palo Alto Square, Suite 410, Palo Alto, California 94306, 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 small power production facility is under construction on Grantline Road, in Alameda County, California. The facility's primary energy source will be wind, and its total capacity will be 3 megawatts of electric power. After the facility is completed, it will consist of 40 wind turbine generator units with each having a capacity of 75 kilowatts. The construction of the facility began on March 30, 1983.

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, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests 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. 83-20849 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-354-000]

American Energy Projects, Inc., Wind Energy Partners II, Alameda County, California, Application for Commission Certification of Qualifying Status of a Small Power Production Facility

July 27, 1983

On July 18, 1983, American Energy Projects, Inc. (Applicant), of 5 Palo Alto Square, Suite 410, Palo Alto, California 94306, 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 small power production facility is under construction at 16200 Grantline Road, in Alameda County, California. The facility's primary energy source will be wind, and its total capacity will be 5.85 megawatts of electric power. After the facility is completed, it will consist of 78 wind turbine generators units with each having a capacity of 75 kilowatts. The construction of the facility began on September 30, 1983.

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, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests 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. 83-20850 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF-234-001]

Applied Power Technology, Oroville; Application for Commission Recertification of Qualifying Status of a Small Power Production Facility

July 27, 1983

On July 19, 1983, Applied Power Technology of 3333 Mendocino Avenue, Suite 220, Santa Rosa, California 95401, filed with the Federal Energy Regulatory Commision (Commission) an application for recertification of a small power production facility as a qualifying facility pursuant to § 292.207 of the Commission's regulations.

Applied Power Technology was granted qualifying status for a 15 megawatt small power production facility, in an order issued June 20, 1983. In it final design, the facility will have a capacity of 18 megawatts. Additionally, the Applicant's address should be amended from 3432 Mendocino Avenue, Santa Rosa, California 95401 to 3333 Mendocino Avenue, Santa Rosa, California 95401.

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, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests 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. 83-20851 Filed 8-1-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Objection to Proposed Remedial Order Filed; Week of June 27 through July 1, 1983

During the week of June 27 through July 1, 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 26, 1983.

Thomas L. Wieker,

Acting Director, Office of Hearings and Appeals.

Erickson Refining Co., Houston, Texas, HRO-0167 crude oil

On June 27, 1983, Erickson Refining Co., 1502 Augusta Drive, Houston, Texas 77057, filed a Notice of Objection to a Proposed Remedial Order which the DOE Houston Office of the Economic Regulatory Administration issued to the firm on May 27, 1983. In the PRO the Houston Office found that during the period October 1979 through September 1980, Erickson resold crude oil at prices in excess of its purchase price without providing a service or other function traditionally associated with the resale of crude oil. The ERA ordered Erickson to refund $1,238,405.84 based on this allegation of unlawful layering. In the alternative, the ERA found that Erickson's monthly average markups exceeded the 20 cent permissible average markup. According to the PRO this violation resulted in $782,034.00 of overcharges.

[FR Doc. 83-20786 Filed 8-1-83; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

Assembly of the Telecommunications Industry Advisory Group; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group's Assembly scheduled to meet on Tuesday, September 27, 1983. The meeting will be held at 9:30 a.m. in Room 856 of the Federal Communications Commission's offices at 1919 M Street, NW., Washington, D.C. The meeting will be open to the public. The agenda is as follows:

I. General Administrative Matters
II. Auditing and Regulatory Subcommittee Position Paper
III. Plant Accounts Subcommittee Proposed Accounts
IV. Other Business
V. Presentation of Oral Statements
VI. Adjournment

With prior approval of the Group Chairman, Gerald P. Vaughan, oral statements, while not favored or encouraged, may be allowed if time permits and if the Group Chairman determines that an oral presentation is conducive to the effective attainment of Advisory Group objectives. Anyone not a member of the Assembly and wishing to make an oral presentation should contact Stephen T. Duffy, Group Vice-Chairman (202/634-1509), at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-20862 Filed 8-1-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Forms Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

TITLE OF INFORMATION COLLECTION: Fair Housing Lending Monitoring System.

BACKGROUND: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF-83, "Request for OMB Review," requesting an extension of authority to use the information collection system identified above.

FOR FURTHER INFORMATION CONTACT: Requests for a complete copy of the form SF-83, "Request for OMB Review," and related documentation may be addressed to John R. Keiper, Jr., Paperwork and Regulation Control Coordinator, Federal Deposit Insurance Corporation, 550—17th Street, NW., Washington, D.C. 20429, telephone (202) 389-4351.

SUMMARY: The current Fair Housing Monitoring System (OMB No. 3064-0045) expires on August 31, 1983. The FDIC is seeking authorization from OMB to continue using the system because it is a valuable tool for monitoring compliance with the fair housing lending proscriptions of Title VIII (Fair Housing) of the Civil Rights Act of 1968, Title VII (Equal Credit Opportunity) of the Consumer Protection Act, and other statutes. The system requires insured state nonmember commercial and mutual savings banks to maintain various data on home loan applicants and inquirers. It also requires banks to maintain a Fair Housing Lending Log Sheet, form FDIC 6500/70, to identify home loan inquirers and applicants. The log sheet is used by FDIC bank examiners in conducting compliance examinations.

It is estimated that the collection of information will create a total annual recordkeeping burden of 124,997 hours on 9,331 banks collectively.

Dated: July 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle Robinson,

Executive Secretary.

[FR Doc. 83-20870 Filed 8-1-83; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank; Chimney Rock Bancorp

Chimney Rock Bancorp., Bayard, Nebraska, 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 retain 13.33 percent of the voting shares of Swanton Agency, Inc., Swanton, Nebraska, and thereby indirectly acquire Bank of Swanton, Swanton, Nebraska. 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)).

Chimney Rock Bancorp., Bayard, Nebraska, 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 retain voting shares of Swanton Agency, Inc., Swanton, Nebraska.

Applicant states that the proposed subsidiary would perform general insurance agency activities. These activities would be performed from offices of Applicant's subsidiary in Swanton, Nebraska, and the geographic area to be served is Swanton and the surrounding areas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competion, 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 Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than August 26, 1983.

Board of Governors of the Federal Reserve System, July 27, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-20790 Filed 8-1-83; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by a Bank Holding Company; County Bankshares, Inc., et al.

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 Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *County Bankshares, Inc.*, Blue Island, Illinois; to acquire 80 percent of the voting shares or assets of Crestwood Bank, Crestwood, Illinois. Comments on this application must be received not later than August 24, 1983.

Board of Governors of the Federal Reserve System, July 27, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-20791 Filed 8-1-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities; BankAmerica Corp. and United Bancorporation of Alaska, Inc.

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 commended *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such a greater convenience, increased competition, or gains in efficiency, that outweight 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 San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation*, San Francisco, California (mortgage banking, servicing activities and equity financing; California): To engage, through its direct subsidiary, BA Mortgage and International Realty Corporation, a Delaware corporation, in the activities of making or acquiring for its own account or for the account of others, loans or other extensions of credit such as would be made or acquired by a mortgage company, servicing such loans and other extensions of credit for itself and others, and commercial real estate equity financing. Such activities will include making commercial mortgage loans secured by commercial real estate and arranging equity financing. These activities will be conducted from a *de novo* office located in Palo Alto, California, serving the entire State of California. Comments on the application must be received not later than August 26, 1983.

2. *United Bancorporation Alaska, Inc.*, Anchorage, Alaska (financing, servicing, insurance; Alaska): To engage through its subsidiary UBA Mortgage Company, Inc. in making or acquiring loans and other extensions of credit such as would be made by a mortgage company and/or commercial financial company including: real estate construction loans, both commercial and residential, real estate residential term loans, commercial loans secured by a borrower's inventory, accounts receivable, or other assets; and installment consumer loans, and servicing such loans for others, in accordance with the Board's Regulation Y; and to act as agent or broker for credit related life, accident, health or unemployment insurance, pursuant to section 601(A) of Title VI of the Garn-St Germain Act. These activities would be performed from branch offices in Bethel, Fairbanks, Juneau and Nome, Alaska, serving the State of Alaska. Comments on this application must be received not later than August 26, 1983.

Board of Governors of the Federal Reserve System, July 27, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-20793 Filed 8-1-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; First Security Banschares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of

fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Security Bankshares, Inc.*, Lavonia, Georgia; to become a bank holding company by acquiring 90 percent of the voting shares of Northeast Georgia Bank, Lavonia, Georgia. Comments on this application must be received not later than August 26, 1983.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Farmers State Bancorporation, Inc.*, Waupaca, Wisconsin; to become a bank holding company by acquiring 90.1 percent of the voting shares of The Farmers State Bank of Waupaca, Waupaca, Wisconsin. Comments on this application must be received not later than August 26, 1983.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Tri County Investment Co.*, Chamberlain, South Dakota; to become a bank holding company be acquiring 100 percent of the voting shares of Tri County State Bank Holding Company, Inc., Chamberlain, South Dakota, thereby indirectly acquiring 86 percent of the voting shares of Tri County State Bank, Chamberlain, South Dakota. Comments on this application must be received not later than August 26, 1983.

Board of Governors of the Federal Reserve System, July 27, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-20792 Filed 8-1-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities; Intrawest Financial Corp.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1)), of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo*), (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration or 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 writting and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Intrawest Financial Corporation*, Denver, Colorado (mortgage banking activities; Colorado): To engage, through its subsidiary, Intra West Mortgage Company, in originating VA, FHA, and conventional mortgage loans for sale to institutional investors, with possible expansion into the field of commercial mortgage loans and real estate construction loans activities as performed by a mortgage banker. These activities would be conducted from a new office located in Westminster, Colorado, serving the entire State of Colorado. Comments on this application must be received not later than August 16, 1983.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Mercantile Texas Corporation*, Dallas, Texas (investment advice, extensions of credit, servicing loans, and real estate appraisals; United States): To engage, through its subsidiary, Mercantile Realty Services Corporation, in the following: acting as an investment or financial advisor to the extent of: (i) serving as an investment advisor, as defined in Section 2(a)(20) of the Investment Company Act, (ii) providing portfolio investment advice to any other person, (iii) furnishing general economic information and advice, and (iv) conducting such incidental activities as are necessary to carry on the activities specified in the preceding clauses (i), (ii) and (iii); making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made, for example, by a mortgage finance, credit card or factoring company, and servicing any such loans and any other loans or extensions of credit made or acquired by other persons; and performing real estate appraisals. These activities would be conducted from offices in Dallas, Texas, serving all states of the United States, and District of Columbia, and Puerto Rico. Comments on this application must be received not later than August 16, 1983.

c. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation*, San Francisco, California (financing, servicing, and leasing activities; Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming): To engage through its indirect subsidiary, General Rediscount Corporation, a Delaware corporation, in the activities of leasing personal property acquired specifically for the leasing transactions through leases which are the functional equivalent of extensions of credit, making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company, and servicing loans and other extensions of credit. Such activities will include, but not be limited to, leasing of motor vehicles and purchasing retail installment sales contracts covering motor vehicles. These activities would be conducted from two *de novo* offices located in Santa Clara, California and Denver, Colorado, serving the states of California, Arizona, Hawaii, Idaho, Nevada, Oregon, Washington, Colorado, Kansas, Montana, Nebraska, New Mexico, Utah and Wyoming. Comments on this application must be received not later than August 26, 1983.

2. *RCB Corporation*, Sacramento, California (investment advisory services; California): To engage, through its subsidiary, River City Money Management Company, in investment advisory services to financial institutions, public agencies, corporations and individuals, including portfolio investment advice, general economic information and studies and development of investment policy, procedures and recommendations, all in accordance with the Board's Regulation Y. These activities would be performed in the State of California from an office

located in Sacramento, California. Comments on this application must be received not later than August 24, 1983.

3. *First Security Corporation*, Salt Lake City, Utah (mortgage financing, loan servicing and insurance agency activities; Washington): To engage through its subsidiary, Securities Intermountain, Inc., in making or acquiring loans and other extensions of credit such as would be made by a mortgage company, including making both residential and commercial mortgage loans for its own portfolio and for sale to others, the servicing of such loans for others, and all activities incident thereto; also, to engage in the activities as an agent of selling credit life and credit disability insurance or mortgage redemption insurance related to extensions of mortgage credit, where the insurance is limited to assuring repayment of the outstanding balance due on a specific extension of credit in the event of death, disability or involuntary unemployment of the debtor, and credit related casualty insurance arising out of such extensions of mortgage credit (such sales of insurance as an agent being a permissible activity under Section 601, clauses (A) and (D), of Title VI of the Garn-St Germain Depository Institutions Act of 1982). These activities will be conducted from an office in Vancouver, Washington, serving the Counties of Clark, Cowlitz and Skamania in Washington. Comments on this application must be received not later than August 26, 1983.

4. *First Security Corporation*, Salt Lake City, Utah (mortgage financing and loan servicing activities; California): To engage through its subsidiary, Securities Intermountain, Inc., in making or acquiring loans and other extensions of credit such as would be made by a mortgage company, including making both residential and commercial mortgage loans for its own portfolio and for sale to others, the servicing of such loans for others, and all activities incident thereto. These activities would be conducted from an office in Riverside, California, servicing the area of Riverside and San Bernardino in Riverside and San Bernardino Counties in California. Comments on this applicaiion must be received not later than August 26, 1983.

Board of Governors of the Federal Reserve System, July 28, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-20794 Filed 8-1-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83M-0215]

Precision-Cosmet Co., Inc.; Premarket Approval of SOFTMARK™

Correction

In FR Doc. 83-19384, appearing on page 32872, in the issue of Tuesday, July 19, 1983, make the following corrections:

On page 32872, first column, under the **"DATE"** heading, line 2, "August 19, 1983" should read "August 18, 1983" and on the same page, last column, first complete paragraph, line 2, "August 19, 1983" should read "August 18, 1983".

BILLING CODE 1505-01-M

Office of the Secretary

Statement of Organization, Functions, and Delegations of Authority

Part A (Office of the Secretary), Chapter AMS (Office of Facilities and Management Services) Chapter AMS1, (Office of Facilities Engineering) and Chapter AMN3 (Division of Financial Planning and Analysis) of the Statement of Organization, Functions, and Delegation of Authority for the Department of Health and Human Services are amended. Specifically, Chapter AMS, Office of Facilities and Management Services (42 FR 36312 of July 14, 1977 as last amended by 48 FR 3656, January 26, 1983) is amended; and Chapter AMS1, Office of Facilities Engineering (48 FR 3656, of January 26, 1983) is deleted. These changes reflect a restructuring of some of the administrative and management functions provided to the Department by the Office of Facilities and Management Services. The changes are made to improve efficiency and effectiveness by realigning several sub-units within the Office of Facilities and Management Services. Chapter AMN3, Division of Financial Planning and Analysis (42 FR 36316 of July 14, 1977) is amended by adding responsibility for the financial integrity of the Office of the Secretary Working Capital Fund. The specific changes are:

1. Part A, Chapter AMS (Office of Facilities and Management Services), Section AMS.10 Organization is deleted in its entirety and replaced with the following:

Section AMS.10 Organization

The Office of Facilities and Mangement Services, under a Director who reports to the Assistant Secretary for Management and Budget, consists of the following components:

Office of the Director
Office of Facilities Engineering
Division of OS Personnel
Division of Contract and Grant Operations
Division of Administrative Services
Washington Facilities Division
Division of Emergency Coordination

2. Part A, Chapter AMS (Office of Facilities and Management Services) Section 20. *Functions* is amended by inserting the following:

(a) B. Office of Facilities Engineering. Provides nationwide architectural-engineering management, direction, and services for both direct Federal and federally-assisted construction activities; manages facility engineering for all HHS owned or utilized real property throughout the country; administers the Federal surplus real property program and manages the HHS Safety and Occupational Health Program.

(b) Reletter subsections AMS.20. B, C and D as C, D and E respectively.

3. Part A, Chapter AMS Section 20. *Functions* is amended by inserting the following:

(a) F. Washington Facilities Division. Plans and administers the HHS facilities management program in the Washington, D.C. area; provides engineering and architectural services in support of the maintenance and operations of all HHS facilities in the national capitol area; negotiates for, obtains, and allocates parking spaces in southwest Washington, D.C.; and implements and/or develops procedures, standards and regulations for the occupational safety and health program within the Office of the Secretary.

(b) Reletter subsection AMS.20.E as subsection G.

4. Part A, Chapter AMS1 (Office of Facilities Engineering) delete in its entirety.

5. Amend Part A, Chapter AMN3, Section AMN3.20 *Functions*, by adding a new subsection L to read as follows:

L. Advises the Deputy Assistant Secretary, Finance on all matters pertaining to the financial integrity of the Office of the Secretary Working Capital Fund, overseeing the financial aspects of the Fund and its activities through the development and implementation of financial policies and procedures.

Dated: July 26, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83-20839 Filed 8-1-83; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Intent to Prepare an Environmental Impact Statement on the Hawaiian Islands National Wildlife Refuge Master Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Service intends to gather information necessary for the preparation of an Environmental Impact Statement (EIS) for the Hawaiian Islands National Wildlife Refuge Master Plan. This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are solicited.

DATES: Written comments should be received by September 1, 1983.

ADDRESS: Comments should be addressed to: Pacific Islands Administrator, Hawaiian Islands NWR, P.O. Box 50167, 300 Ala Moana Blvd., Honolulu, HI 96850.

FOR FURTHER INFORMATION CONTACT: Refuge Manager, Hawaiian Islands NWR, P.O. Box 50167, 300 Ala Moana Blvd., Honolulu, HI 96850, (808) 546-5608.

Persons wishing to be placed on a newsletter mailing list relating to the Master Planning process should notify the Refuge Manager, Hawaiian Is. NWR.

SUPPLEMENTARY INFORMATION: The U.S. fish and Wildlife Service has begun preparation of a master plan for the Hawaiian Islands National Wildlife Refuge. The refuge, established by Executive Order in 1909, includes numerous islands and atolls in the Northwestern Hawaiian Islands. Principal wildlife in the refuge include 18 breeding species of seabirds, four endangered land bird species, the Hawaiian monk seal and green sea turtle. The refuge is also a designated Research Natural Area.

Refuge master planning provides a systematic process for making and documenting decisions concerning management, development and use of National Wildlife Refuges. When completed in September, 1984, the master plan for the Hawaiian Islands National Wildlife Refuge will set forth long-term objectives for resource management and public use. Public input will be solicited through newsletters and meetings to assist in the development and evaluation of management alternatives. Recommended management strategies will be consistent with the overall objectives of the National Wildlife Refuge System, the purposes for which the refuge was established and the various statutes and regulations that pertain to management of this area and it resources. A draft and final environmental impact statement will be prepared which addresses the development and implementation of management strategies contained in the master plan.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Council on Environmental Quality Regulations (40 FR Parts 1500-1508), other appropriate Federal regulations, the FWS procedures for compliance with those regulations.

We estimate the DEIS will be made available to the public by 1 April, 1984.

Dated: July 25, 1983.

Richard J. Myshak,

Regional Director

[FR Doc. 83-20865 Filed 8-1-83; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

Bureau Forms 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 at 202-395-7340.

Title: 43 CFR 5441-1 Advertised Sales, Qualification of bidders.

Bureau Form Number: 5450-9—Citizenship Affidavit; 5440-9—Deposit and bid.

Frequency: 5440-9—once for each timber sale bid; 5450-9—a one time requirement.

Description of Respondents: Timber sale purchasers.

Annual Responses: 5440-9—450; 5450-9—25. First-time bidder requirements—25.

Annual Burden Hours: 5440-9—545; 5450-9—5. First-time bidder requirements—150.

Bureau clearance officer (alternate): Linda Gibbs 202-653-8853.

James M. Parker,

Acting Director.

June 28, 1983.

[FR Doc. 83-20865 Filed 8-1-83; 8:45 am]

BILLING CODE 4310-84-M

[M 41112, et al.]

Montana; Notice of Proposed Reinstatement of Terminated Oil and Gas Leases

Under the provisions of Pub. L. 97-451 petitions for reinstatement of the following oil and gas leases were timely filed and were accompanied by all the required rentals and royalties accruing from the dates of termination, April 1, 1983, for lease M 41116, Beaverhead County, Montana, and March 1, 1983, for the remaining leases:

M 41112, M 41113, M 41114, M 41115, M 41117, Beaverhead County, Montana
M 50507, Valley County, Montana

No valid leases have been issued affecting the lands. The lessees have agreed to new lease terms for rentals and royalties at rates of $5 per acre and 16⅔% respectively. Payments of $500 administration fees have been made.

Having met all the requirements for reinstatement of the leases as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (U.S.C. 188), the Bureau of Land Management is proposing to reinstate the leases, effective as of their dates of termination, subject to the original terms and conditions of the leases, the increased rental and royalty rates cited above, and reimbursement for cost of publication of this Notice.

Dated: July 25, 1983.

Cynthia L. Embretson,

Supervisor, Land Law Examiner, Branch of Fluid Minerals.

[FR Doc. 83-20862 Filed 8-1-83; 8:45 am]

BILLING CODE 4310-84-M

[N-36597, N-36598]

Nevada; Realty Action; Sale of Public Land in Lincoln County, Nevada

July 22, 1983.

The following described lands have been examined and identified as suitable for disposal pursuant to 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:

Mount Diablo Meridian, Nevada

Parcel 1—T. 7 S., R. 61 E.
(N-36597) Sec. 8, N½NW¼NW¼.
Comprising approximately 20 acres.

Parcel 2—T. 7 S., R. 61 E.
(N-36598) Sec. 5, SW¼NW¼, NW¼SW¼.
Comprising approximately 80 acres.

The method of sale will be determined based upon public comments received in response to this notice. The three (3) alternatives being considered are:

(1) Noncompetitive—Direct sale to Lincoln county.
(2) Competitive—Public auction.
(3) Modified Competitive—Offer to designated bidders the right to meet the highest bid, or limit the persons permitted to bid.

This sale is consistent with the Bureau of Land Management's planning system and the Master Plan for Lincoln County. The public interest will be served by offering this land for sale. Based on a recent ocular reconnaissance survey, the sale lands support approximately 3–4 AUM's livestock carrying capacity in the West Pahranagat Grazing Allotment. However, until scheduled monitoring studies over the total allotment have been completed and evaluated, the sale will not result in an adjustment in total preference. Particulars for this sale will be made available to the public prior to the scheduled sale date. The land will not be offered for sale until 60 days after the date of this notice.

Detailed information concerning the sale, including the planning documents, and the environmental assessment/land report is available for review at the Bureau of Land Management District Office, 4765 Vegas Drive, Las Vegas, Nevada 89126. Federal law requires that bidders be U.S. citizens or in the case of operations, subject to the laws of any state or the United States.

If a public auction is held, immediately following the close of the sale the successful high bidder(s) shall submit payment by cash, personal check, bank draft, money order, or any combination, for not less than 20% of the amount of the bid. The remainder of the full bid price shall be paid within 30 days of receipt of the purchaser declared notice. At this time, he/they will have the opportunity to request purchase of the mineral estate (with the exception of the oil and gas resources, which will be reserved to the United States) for a $50.00 filing fee. Failure to submit the full bid price within 30 days shall result in cancellation of the sale of the parcel and the deposit shall be forfeited and disposed of as other receipts of sale.

The patent when issued will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1960, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.[1]

And parcel 2 will further be subject to:

1. Those rights granted by oil and gas lease, N–32207, made under Section 29 of the Act of February 25, 1920, 41 Stat. 437 and the Act of March 4, 1933, 47 Stat. 1570. This patent is issued subject to the right of the prior permittee or lessee to use so much of the surface of said land as is required for oil and gas exploration and development operations, without compensation to the patentee for damages resulting from proper oil and gas operations, for the duration of oil and gas lease, N–32207, and any authorized extension of that lease. Upon termination or relinquishment of said oil and gas lease, this reservation shall terminate.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the State Director, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Wm. J. Malencik,

Deputy State Director, Operations.

[FR Doc. 83-20866 Filed 8-1-83; 8:45 am]

BILLING CODE 4310-84-M

[1] The purchaser may request conveyance of the Federally owned mineral interest (with the exception of oil and gas) under Section 209 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2757, 43 U.S.C. 1719.

Oregon: Filing of Plats of Survey

The plats of survey of the following described lands were officially filed in the Oregon State Office, Bureau of land Management, Portland, Oregon on the dates hereinafter stated:

Willamette Meridian

T. 26 S., R. 2 W., Dependent resurvey & subdivision section, Group 990;
T. 27 S., R. 2 W., Dependent resurvey & subdivision sections, Group 983;
T. 29 S., R. 8 W., Dependent resurvey & subdivision sections, Group 1027.
The above three plats were accepted June 16, 1983, officially filed July 11, 1983.
T. 5 S., R. 32 E., Dependent resurvey & subdivision sections, Group 350/643;
T. 6 S., R. 32 E., Dependent resurvey & subdivision sections, Group 350/643;
T. 7 S., R. 32 E., Dependent resurvey & subdivision sections, Group 350/643;
The above three plats were accepted June 30, 1983, officially filed July 19, 1983.
T. 21 S., R. 4 W., Dependent resurvey, Group 1026;
T. 22 S., R. 4 W., Dependent resurvey, Group 1026.

The above two plats were accepted June 16, 1983, officially filed July 14, 1983.

All inquiries about these lands should be sent to the Oregon State Office, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

July 26, 1983.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-20864 Filed 8-1-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 36112 (Wash.), OR 36197 (Wash.)]

Washington; Filing of Public Lands for Indemnity Selection

The State of Washington has filed two selection applications to acquire the lands described below, under the provisions of the Act of February 22, 1889 (25 Stat. 676), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. The applications have been assigned the serial numbers OR 36112 (Wash.) and OR 36197 (Wash.).

The lands included in the selection applications are described as follows:

OR 36112 (Wash.)

Willamette Meridian, Washington

T. 8 N., R. 29 E.,
Sec. 6, Lots 10 and 11.
Containing 40.37 acres.

OR 36197 (Wash.)

Willamette Meridian, Washington

T. 29 N., R. 3 W.,
Sec. 18, Lot 1 and S½SE¼.
T. 28 N., R. 14 W.,
Sec. 30, NW¼SE¼.
T. 7 N., R. 6 E.,
Sec. 23, S½NE¼ and NE¼SE¼;
Sec. 24, 6;
Sec. 25, Lots 1, 2 and 3.
T. 3 N., R. 7 E.,
Sec. 13, NW¼NE¼;
Sec. 18, Lot 3.
T. 33 N., R. 11 E.,
Sec. 31, Lots 2 and 3.
T. 27 N., R. 22 E.,
Sec. 26, SW¼NE¼.
T. 35 N., R. 24 E.,
Sec. 24, SE¼NW¼ and NW¼SE¼;
Sec. 25, SE¼SE¼.
T. 9 N., R. 27 E.,
Sec. 22, N½ and NE¼SE¼;
Sec. 24, NW¼ and S½;
Sec. 26, SW¼NE¼, NW¼NW¼ and S½NW¼.
T. 9 N., R. 28 E.,
Sec. 30, W½.
Aggregating 2,037.54 acres.

The filing of the selection applications segregates the lands described above from settlement, sale, location, or entry under the public land laws, including the mining laws, but not the mineral leasing or the Geothermal Steam Act. The segregating effect on the public lands shall terminate upon issuance of a document of conveyance to such lands, or upon publication in the **Federal Register** of a notice of termination of the segregation, or the expiration of two years from the date of filing of the selection applications, whichever occurs first.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

July 26, 1983.

[FR Doc. 83-20863 Filed 8-1-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 11158]

Oregon; Partial Termination of Proposed Withdrawal and Reservation of Lands

Correction

In the correction appearing in the first column on page 32088 in the issue of Wednesday, July 13, 1983, make the following change: The last two lines of the correction should have read: R. 37 E., in the first line "SE¼,SW¼," should read "SE¼SW¼,".

BILLING CODE 1505-01-M

Minerals Management Service

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Availability of Envirnmental Documents Prepared for OCS Mineral Development/Production and Pipeline Rights-of-Way Application Proposals on the Gulf of Mexico OCS.

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 MMS for the following oil and gas development/production activities and pipeline rights-of-way applications proposed on the Gulf of Mexico OCS. This listing includes all proposals for which environmental documents were prepared by the Gulf of Mexico OCS Region in the 3-month period preceding this Notice.

Activity/operator	Location	FONSI date
Union Oil Company of California, OCS-G 3316, Plan of Development/ Production EA No. 505, Plan Control No. N-1068.	High Island Area, East Addition, South Extension, Block A-384; (110 mi. southeast of Galveston, Texas).	June 24, 1983.
Gulf Oil Corporation, OCS-G5239.	East Cameron Area, South Addition, Blocks 330, 321, and 312; (6.19 miles of 8¾" gas pipeline).	Apr. 19, 1983.
Tenneco Inc., OCS-G 5253.	South Pass Area, Blocks 49, 50, 51, 52, 53, 54, and 55; (14.96 miles of 12" gas pipeline).	Apr. 21, 1983.
Howell Crude Gathering Company, OCS-G 5254.	Main Pass Area, Blocks 64 and 65; (1.55 miles of 6¾" crude oil pipeline).	Do.
West Lake Arthur Corporation, OCS-G 5255.	South Pelto Area, Block 1—Ship Shoal Area; Blocks 68 and 66; (4.66 miles of 8¾" gas pipeline).	Do.
McMoRan Offshore Exploration Company, OCS-G 5231.	Vermilion Area, Blocks 146, 147, 148, 149, 150, and 151—South Marsh Island Area, Blocks 3, 4, 5, and 6; (23.25 miles of 8" sweet crude oil pipeline).	April 27, 1983.
Transcontinental Gas Pipe Line Corporation, OCS-G 5237.	Breton Sound Area, Blocks 54 and 53; (2.46 miles of 6" gas pipeline).	Do.
Amoco Production Company, OCS-G 5256.	South Marsh Island Area, Blocks 33, 32, and 31; (5.58 miles of 6¾" oil pipeline).	May 31, 1983.
Exxon Corporation, OCS-G 5264.	Grand Isle Area, Blocks 18, 19, and 20—West Delta Area, Blocks 38, 39, 67, 66, 65, 72, and 73; (18.75 miles of 6" gas pipeline).	June 16, 1983.
Mid Louisiana Gas Company, OCS-G 5262.	Eugene Island Area, Blocks 33 and 34; (1.21 miles of 8" gas pipeline).	June 20, 1983.
Tenneco Inc., OCS-G 5259.	South Pass Area, Blocks 49 and 50; (0.89 miles of 6" gas pipeline).	Do.
Texas Gas Transmission Corporation, OCS-G 5263.	East Cameron Area, Blocks 220, 219, 234, and 235—Vermilion Area, Block 241; (6.93 miles of 12" gas pipeline).	Do.

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EAs and FONSIs prepared for activities on the Gulf of Mexico OCS are encouraged to contact the MMS office in the Gulf of Mexico OCS Region.

FOR FURTHER INFORMATION CONTACT: Regional Supervisor, Offshore Operations Support, Gulf of Mexico OCS Region, Minerals Management Service, Post Office Box 7944, Metairie, Louisiana 70010, Phone 504/838-0534.

SUPPLEMENTARY INFORMATION: The MMS prepares EAs and FONSIs for proposals which relate to exploration for and the development/production of oil and gas resources on the Gulf of Mexico OCS. The EAs examine the potential environmental effects of activities described in the proposals and present MMS 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 § 102(2)(C). A FONSI is prepared in those instances where the MMS 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 or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

Dated: July 22, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-20900 Filed 8-1-83; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf; Western Gulf of Mexico; Leasing Systems, Lease Offering (August 1983)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of leasing systems, Western Gulf of Mexico lease offering (August 1983); correction.

SUMMARY: This notice corrects typographical errors in the notice of leasing systems for the Western Gulf of Mexico Lease Offering (August 1983) in FR Doc. 83-18848 beginning on page 32090 in the issue of July 13, 1983 (48 FR 32090). The notice of OCS Western Gulf of Mexico oil and gas lease offering (August 1983) in FR Doc. 83-18393 beginning on page 31566 in the issue of July 8, 1983 (48 FR 31566) presented the correct sliding-scale bidding system parameters.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence J. Slaski, Offshore Resource Evaluation Division, Minerals Management Service, Department of the Interior, 12203 Sunrise Valley Drive, MS643, Reston, Virginia 22091, telephone (703) 860-7567 or FTS 928-7567.

SUPPLEMENTARY INFORMATION: The following corrections are made to the notice of leasing systems, Western Gulf of Mexico lease offering (August 1983) appearing in FR Doc. 83-18848 on July 13, 1983 (48 FR 32090).

1. On page 32091, line 20, change "9.0" to "7.0".

2. On page 32091, line 24, change "2.50" to "3.50".

John B. Rigg,

Associate Director for Offshore Minerals Management.

July 28, 1983.

[FR Doc. 83-20836 Filed 8-1-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Chevron U.S.A. Inc., Unit Operator of the South Bay Marchand Field Federal Unit Agreement No. 14-08-001-3915, submitted on July 7, 1983, a proposed annual plan of development/production describing the activities it proposes to conduct on the South Bay Marchand Field Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico, OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 25, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico, OCS Region.

[FR Doc. 83-20901 Filed 8-1-83; 8:45 am]

BILLING CODE 4310-MN-M

National Park Service

Availability of Final Environmental Statement; Colorado-Lower Dolores Wild and Scenic River Study

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for the Colorado and Lower Dolores Wild and Scenic Rivers study conducted to determine if the rivers are eligible and suitable for inclusion in the National Wild and Scenic Rivers System.

ADDRESS: Copies of the final report and final environmental statement are available from or for inspection at the following locations:

Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, Post Office Box 25287, Denver, Colorado 80225.

District Manager, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81501.

District Manager, Bureau of Land Management, 125 W. 2nd South, Post Office Box 970, Moab, Utah 84532.

Public reading copies will be available for review at: Office of Public Affairs, National Park Service, U.S. Department of the Interior, 18th & C Streets, NW., Washington, D.C. 20240 (Telephone 202/343-6843).

SUPPLEMENTARY INFORMATION: The Colorado and Lower Dolores Wild and Scenic Rivers Study determined that a 55.7-mile segment of the Colorado River from the Loma launch site downstream to its confluence with the Dolores River in the States of Colorado and Utah qualifies for inclusion in the Wild and Scenic Rivers System. Thirty-one miles of the Dolores River in the States of Colorado and Utah, from the vicinity of Gateway, Colorado to the confluence with the Colorado also was studied and found eligible for inclusion in the National System.

Alternatives considered in the EIS are: (1) No action, i.e., continuation of present management, (2) a National Economic Development Plan for both rivers based on provision of additional recreational facilities, and (3) classification options, i.e., classifying segments scenic or recreational when, in fact, they qualify for scenic or wild status. The preferred option in the report/FEIS is for designation of all eligible segments in the most restrictive classification for which they qualify. This will not necessarily be the President's proposal to Congress or the Secretary's recommendation to the President.

Further information can be obtained from John Haubert (202) 343-9377.

Dated: July 27, 1983.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 83-20881 Filed 8-1-83; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 22, 1983. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park

Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by August 17, 1983.

Carol D. Shull,

Chief of Registration, National Register.

ARKANSAS

Lawrence County

Clover Bend, *Clover Bend High School*, AR 228

CALIFORNIA

Los Angeles County

Hollywood, *Security Trust and Savings*, 6381–85 Hollywood Blvd.

Napa County

Calistoga, *Brannan, Sam, Cottage*, 109 Wapoo Ave.

Orange County

Santa Ana, *Odd Fellows Hall*, 309–311 N. Main St.

Santa Cruz County

Watsonville, *Mansion House Hotel*, 418–424 Main St.

COLORADO

Denver County

Denver, *Lang, William, Townhouse*, 1626 Washington, St.

El Paso County

Colorado Springs, *DeGraff Building*, 116–118 N. Tejon

Fremont County

Canon City vicinity, *Royal Gorge Bridge and Incline Railway*, NW of Canon City
Canon City, *Canon City Municipal Building*, 612 Royal Gorge Blvd.
Canon City, *Holy Cross Abbey*, US 50

Pitkin County

Redstone, *Osgood-Kuhnhausen House*, 0642 Redstone Blvd.

Pueblo County

Pueblo, *Beaumont, Allen, J., House*, 425 W. 15th St.
Pueblo, *Tutt Building*, 421 Central Plaza

CONNECTICUT

Litchfield County

Colebrook vicinity, *Phelps Farms Historic District*, CT 183

FLORIDA

Dade County

Miami, *U.S. Post Office and Courthouse*, 300 NE 1st Ave.

GEORGIA

Floyd County

Mt. Aventine Historic District,
Rome, *South Broad Street Historic District*, S. Broad St. and Etowah Terrace

Franklin County

Lavonia, *Adams House (Lavonia MRA)*, Hartwell Rd.
Lavonia, *Beasley House (Lavonia MRA)*, 75 Grogan St.
Lavonia, *Burton House (Lavonia MRA)*, Augusta Rd.
Lavonia, *Cannon-McDaniel House (Lavonia MRA)*, 126 West Ave.
Lavonia, *Cason House (Lavonia MRA)*, 60 Grogan St.
Lavonia, *Cheek House (Lavonia MRA)*, 38 Hartwell Rd.
Lavonia, *Crawford-Shirley House (Lavonia MRA)*, 100 Augusta Rd.
Lavonia, *Fisher House (Lavonia MRA)*, 221 Hartwell Rd.
Lavonia, *Jones Street Residential Historic District (Lavonia MRA)*, Jones, Baker, and Old Carnesville Rd.
Lavonia, *Keese House (Lavonia MRA)*, 4 Burgess St.
Lavonia, *Kidd House (Lavonia MRA)*, 222 Hartwell Rd.
Lavonia, *Killingsworth Farm (Lavonia MRA)*, Hartwell Rd.
Lavonia, *Lavonia Carnegie Library (Lavonia MRA)*, Hartwell Rd.
Lavonia, *Lavonia Commercial Historic District (Lavonia MRA)*, Jones, Augusta, Vickery, Grogan, and Bowman Sts.
Lavonia, *Lavonia Cotton Mill (Lavonia MRA)*, Main St.
Lavonia, *Lavonia Roller Lill (Lavonia MRA)*, E. Main St.
Lavonia, *McMurray House (Lavonia MRA)*, Hartwell Rd.
Lavonia, *Pure Oil Service Station (Lavonia MRA)*, 56 West Ave.
Lavonia, *Queen House (Lavonia MRA)*, Hartwell Rd.
Lavonia, *Southern Cotton Oil Co. (Lavonia MRA)*, W. Main St.
Lavonia, *Stevenson House and Brickyard (Lavonia MRA)*, Hartwell Rd.
Lavonia, *Stovall Homeplace (Lavonia MRA)*, 114 West Ave.
Lavonia, *Stovall-Purcell House (Lavonia MRA)*, 110 West Ave.
Lavonia, *Vandiver House (Lavonia MRA)*, Main St.
Lavonia, *Vickery House (Lavonia MRA)*, Grogan St.
Lavonia, *Vickery Street Historic District (Lavonia MRA)*, Vickery St.
Lavonia, *West Avenue-Roberts Street Residential Historic District (Lavonia MRA)*, between Mason and Jones Sts.
Lavonia, *Yow House (Lavonia MRA)*, 109 Hartwell Rd.

Terrell County

Sasser Commercial Historic District

Towns County

Young Harris, *Young Harris College Historic District*, Young Harris College Campus, Appleby Dr.

HAWAII

Honolulu County

Kailua vicinity, *Kaneohe Ranch Building*, Castle Jct.
Waipahu, *1 Marigold Building*, 97–837 Waipahu St.

Kauai County

Hanalei, *Haraguchi Rice Mill*, Ohiki Rd.
Kilauea, *Kilauea School*, Kolo Rd.

Maui County

Kula, *Holy Ghost Catholic Church*, Lower Kula Rd.

IDAHO

Bingham County

Blackfoot, *Shilling Avenue Historic District*, Shilling Ave. between E. Idaho and Bingham Sts. and
Bridge and Judicial Sts. to Stout Ave.

Blaine County

Ketchum, *Greenhow and Rumsey Store Building*, Main Ave.

Bonner County

Sandpoint, *Bernd, W.A., Building*, 307–311 N. 1st. Ave.

Canyon County

Nampa, *Nampa Historic District*, 1200 and 1300 blocks S. 1st St.

ILLINOIS

Mclean County

Bloomington, *Scott-Vrooman House*, 701 E. Taylor St.

KENTUCKY

Boone County

Archaeological Site 15 BE 36,

Fayette County

Lexington, *Woodlands Historic District*, Roughly bounded by Main and High Sts., Ashland and Woodland Aves.

Jefferson County

Jeffersontown vicinity, *Reel, Jacob, House (Jefferson County MRA)*, Off I–64
Louisville, *Bosler Fireproof Garage*, 423 S. 3rd St.

Nelson County

Bardstown vicinity, *Stone House on Buffalo Creek*, Off SR 1330

Oldham County

Buckner vicinity, *Ingram, William, House*, 6800 Shrader Lane

Simpson County

Franklin, *Franklin Downtown Commercial District (Boundary Increase)*, 200 S. Main and 207 S. College Sts.

Woodford County

Troy, *Guyn's Mill Historic District*, Mundy's Landing and Pauls Mill Rds.

MISSOURI

Boone County

Columbia, *Gordon, David, House and Collins Log Cabin*, 2100 E. Broadway

Holt County

Oregon vicinity, *Carroll Stagecoach Inn*, E of Oregon

MONTANA

Powell County

Gold Creek, *Northern Pacific Railroad Completion Site, 18383*, Off I 90

NEW MEXICO

San Miguel County

Las Vegas, *North New Town Historic District*, Roughly bounded by National, Friedman, 3rd and 8th Sts.

NEW YORK

New York County

New York *Park East Synagogue, Congregation Zichron Ephraim*, 163 E. 67th St.
New York *Riverside Park and Drive*, From 72nd St. to 129th St.

NORTH CAROLINA

Cherokee County

Brasstown vicinity, *Campbell, John C., Folk School Historic District*, Off US 64

Cumberland County

Fayetteville, *Haymount District (Fayetteville MRA)*, Roughly Hillside Ave. from Bragg Blvd. to Pershing St.

Scotland County

Laurinburg vicinity, *Laurel Hill Presbyterian Church*, SR 1321 and SR 1323

Surry County

Mt. Airy, *Carter, W.F., House*, 418 S. Main St.

OHIO

Cuyahoga County

Rocky River, *Westlake Hotel*, 19000 Lake Rd.

OKLAHOMA

Canadian County

Yukon vicinity, *West Point Christian Church*, SW of Yukon

Okmulgee County

Henryetta, *Henry, Hugh House*, N. 3rd St.

SOUTH CAROLINA

McCormick County

McCormick vicinity, *Guillebeau House (Proposed move)*, Hickory Knob State Park

SOUTH DAKOTA

Brule County

Kimball vicinity, *Holy Trinity Church (Church of the Blessed Trinity)*, Off I-90

Clay County

Vermillion, *Clay County Courthouse*, 211 W. Main St.
Vermillion, *Vermillion-Andrew Carnegie Library*, 12 Church St.

Hughes County

Pierre, *McMillen, George, House*, 111 E. Broadway

Minnehaha County

Sioux Falls, *First Congregational Church*, 303 S. Dakota Ave.
Sioux Falls, *Illinois Central Passenger Depot*, Big Sioux River at 8th St.
Sioux Falls, *Miller, L.D., Funeral Home*, 507 S. Main Ave.
Sioux Falls, *Old Courthouse and Warehouse Historic District*, Roughly bounded by Big Sioux River, St. Paul's RW., 4th, and Dakota Ave.

Moody County

Flandreau, *Few, George, House*, 208 1st. Ave. E.

Turner County

Centerville, *Thomson, James S., House*, 1121 Washington St.

TENNESSEE

Houston County

Erin, *Harris, V.R., House*, Main St.

McNairy County

Bethel Springs, *Bethel Springs Presbyterian Church*, 3rd Ave.

Sullivan County

Bristol, *Parlett House*, 728 Georgia Ave.

WEST VIRGINIA

Doddridge County

Center Point vicinity, *Center Point Covered Bridge*, Off W V 23

Jefferson County

Charles Town, *Gibson-Todd House*, 515 S. Samuel St.
Rippon vicinity, *Ripon Lodge*, N of Rippon
Shepherdstown vicinity, *Van Swearingen-Shepherd House*, N of Shepherdstown

Monongalia County

Harmony Grove, *Harmony Grove Meeting House*, Off I-79
Morgantown, *Walters House*, 221 Willey St.

Ohio County

Wheeling vicinity, *Carter Farm*, Boggs Hill Rd.
Wheeling, *McKinley, Johnson Camden, House*, 147 Bethany Pike

Randolph County

Elkins, *Kump, Gov. H. Guy, House*, US 33 and 250
Elkins, *Taylor-Condrey House*, 1700 Taylor Ave.

Upshur County

Buckhannon, *Agnes Howard Hall*, West Virginia Wesleyan College campus

Wayne County

Ceredo, *Ramsdell, Z.D., House*, 1108 B St.

[FR Doc. 83-20796 Filed 8-1-83; 8:45 am]

BILLING CODE 4310-70-M

North Country National Scenic Trail

ACTION: Notice of Route Selection and of Availability of Trail Maps and the Comprehensive Plan for Management and Use.

SUMMARY: The North Country National Scenic Trail was established as a component of the National Trails System by the Act of March 5, 1980, 94 Stat. 67. The National Trails System Act, 82 Stat. 919, 16 U.S.C. 1241 et seq., as amended, provides a period of 2 complete fiscal years following the establishment of the trail for preparation of a Comprehensive Plan for Management and Use, including selection of the trail route. Planning for the trail, which included a significant amount of public input, was completed in September 1982 and the final plan was transmitted to Congress on March 24, 1983.

Notice is hereby given that a route for the North Country National Scenic Trail has been selected as shown on the accompanying map. This map and 74 section maps of the route at a scale of 1:250,000, accompanied by appropriate descriptive information, are available from the National Park Service, Midwest Regional Office, 1709 Jackson Street, Omaha, Nebraska 68102.

Copies of the comprehensive management plan have been sent to all agencies, organizations, and individuals who participated in the preparation of the plan and many others which potentially may become involved in developing and managing segments of the trail. Any others who wish to become involved in developing and managing the trail may request a copy of the plan from the address given above.

BILLING CODE 4310-70-M

BILLING CODE 4310-70-C

SUPPLEMENTARY INFORMATION: The National Park Service is responsible for overall administration of the North Country National Scenic Trail (NCT) on behalf of the Secretary of the Interior. Actual development and management of the trail, however, will be accomplished through many cooperating Federal, State, and local agencies and private trail organizations. Federal Agencies will directly manage those portions of the NCT which lie within the boundaries of existing Federal areas—national forests, national park areas, etc. State and local agencies will be encouraged to develop and manage portions of the trail that cross lands they administer. Private volunteer trail organizations will have to accomplish most, if not all, of the work of developing and managing portions of the NCT which cannot be located on public lands.

When completed, the NCT will extend approximately 3,200 miles from the vicinity of Crown Point, New York, to Lake Sakakawea State Park on the Missouri River in North Dakota, the route of the Lewis and Clark National Historic Trail. The NCT will cross portions of New York, Pennsylvania, Ohio, Michigan, Wisconsin, Minnesota, and North Dakota.

One of the primary objectives in preparing the Comprehensive Plan for Management and Use of the NCT was to fulfill the Secretary of the Interior's responsibility to select a route for the trail. The 1975 conceptual study report on the North Country Trail identified only a 10-mile-wide planning corridor in which a specific trail could be located. The planning process for the NCT has resulted in the selection of a route for the trail and the 10-mile-wide corridor no longer exists.

To the extent possible, the selected route of the NCT follows existing trails. Approximately 1,000 miles of existing trails have been incorporated into the selected route. Of this, 51 trails and trail segments totaling 673 miles comprise the initial official, or certified, portions of the NCT. A list of these segments is given below.

Where no trails currently exist, the selected route of the NCT has been defined as either a "high potential opportunity" for the NCT route or a "general location" for a future NCT segment. High potential opportunities are known opportunities for establishing a segment of the NCT because of the existence of public lands, an abandoned railroad right-of-way, an old canal towpath, etc. Where no such special opportunities were known to exist, only a general location for the NCT was identified. Definition of the selected route as only a general location occurred most frequently where the NCT must traverse areas of private ownership. No specific route could be identified across these areas because landownership and development can change greatly before trail segments are actually developed along these portions of the route sometime in the future.

Certified Segments

In accordance with the procedures established in the comprehensive management plan and by permission of the responsible managing authorities, the following 51 existing trails and trail segments totaling approximately 673 miles are officially recognized, or certified, as segments of the NCT by the National Park Service and may be marked with the official NCT marker. They are described from east to west. Lengths are approximated.

New York

No existing trails or trail segments in New York are being certified at this time.

Pennsylvania

1. North Country Trail, Allegheny National Forest (95 miles)—From the New York-Pennsylvania State line near Willow Bay Campground to the southern forest boundary near Muzette.

2. Baker Trail, Clear Creek State Forest and Cook Forest State Park (9.4 miles)—From the northwestern boundary of the State forest to the southwestern boundary of the State park along the Clarion River.

3. Jenninga Environmental Education Center (1 mile)—A portion of the nature trail system between State Route 8 near Old Stone House and the boundary of Moraine State Park.

4. Glacier Ridge Trail, Moraine State Park (12.75 miles)—From the northern park boundary adjacent to Jennings Environmental Education Center to the western boundary near the intersection of Burnside and West Park Roads.

5. Alpha Pass Trail and Kildoo Trail, McConnells Mill State Park (1.4 miles)—From the trailhead near the intersection of McConnells Mill and Johnson Roads south-southwestward along Slippery Rock Creek to Eckert Bridge.

Ohio

6. Beaver Creek State Park (6.25 miles)—From the eastern park boundary near Fredericktown along Little Beaver Creek to the western park boundary.

7. Buckeye Trail (5.2 miles)—From Tuscarawas County Road 82 near Zoar to County Road 109, following the towpath of the old Ohio-Erie Canal, a short stretch of County Road 83, and a railroad right-of-way.

8. Buckeye Trail (6.5 miles)—From Township Road 213 at the end of a bay of Tappan Reservoir, skirting around the west and south sides of the reservoir and following a short stretch of Township Road 288, to Harrison County Road 2 near its junction with Township Road 303 at the outskirts of the village of Deersville.

9. Buckeye Trail (4 miles)—From U.S. Route 22 to Guernsey County Road 893 following near the shore of Piedmont Reservoir.

10. Buckeye Trail, Salt Fork State Park (7.8 miles)—From State park service road to a Wills Township Road at the southern boundary of the park.

11. Buckeye Trail (5 miles)—From Township Road 23 south of its intersection with State Route 792 to State Route 377 at the north edge of the village of Chesterhill.

12. Buckeye Trail (4.1 miles)—From State Route 555 east of Chesterhill to Morgan County Road 39.

13. Buckeye Trail (2.6 miles)—From Morgan County Road 101 to State Route 78 southwest of Ringgold.

14. Burr Oak Backpack Trail (Buckeye Trail), Burr Oak State Park (8 miles)—From the junction of the Buckeye Trail with the Burr Oak Backpack Trail at Morgan County Road 15 to Tom Jenkins Dam at the head of Burr Oak Reservoir, following the east and south sides of the reservoir.

15. Buckeye Trail (2.7 miles)—From Tom Jenkins Dam in Burr Oak State Park to Athens County Road 87.

16. Buckeye Trail (7.5 miles)—From Athens County Road 92 to Long Run Road (Township Road 392) in Hocking County.

17. Buckeye Trail (8.9 miles)—From State Route 595 to Gallagher Road near its junction with State Route 93.

18. Buckeye Trail (4.2 miles)—From Mann Road to Township Road 40.

19. Buckeye Trail (1.4 miles)—From Lake Logan Road (Hocking County Road 3) to Murphy Road (Township Road 54).

20. Buckeye Trail (13.25 miles)—From Starr Route Road (Hocking County Road 4) to State Route 56, passing through Hocking State Forest and Hocking Hills State Park.

21. Buckeye Trail (3 miles)—From Vinton County Road 47 to Township Road 13 north of its junction with County Road 17.

22. Buckeye Trail (1.5 miles)—From Township Road 11 to State Route 327.

23. Buckeye Trail (17.6 miles)—From Clark Hollow Road (Township Road 2) to U.S. Route 35, passing through Tar Hollow State Forest.

24. Buckeye Trail (2.2 miles)—From Woods Hollow Road (Township Road

360) to Prussia Road, including a short stretch along U.S. Route 23.

25. Buckeye Trail (17 miles)—From Davis Road to Bell Hollow Road, passing through Pike State Forest, Pike Lake State Park, and lands of the Mead Corporation.

26. Buckeye Trail (1.5 miles)—From Bell Hollow Road (Pike County Road 13) to State Route 41, passing through Pike State Forest.

27. Deer and George Trails and a service trail (Buckey Trail), Fort Hill State Memorial (3.6 miles)—From the trailhead at the museum parking lot to Township Road 261 at the southern boundary of Fort Hill State Memorial, following the western portions of the loops of the Deer and Gorge Trails.

28. Shawnee Backpack Trail and Side Trails, Shawnee State Forest, and Shawnee State Park (14.5 miles)—From Copper Head State Forest Road southwestward to Twin Creek Fire Tower near Twin Creek State Forest Road.

29. Buckeye Trail, East Fork State Park (8.6 miles)—From the eastern park boundary near Williamsburg to the western park boundary.

30. Little Miami Scenic Park (44.8 miles)—Trail follows right-of-way of the former Little Miami Railroad, now owned and managed as a linear State park by the Ohio Department of Natural Resources. Extends from Kroger Hills Park (Hamilton County) southwest of Terrace Park to a point approximately 0.5 miles north of the Warren-Greene County line (vicinity of Roxanna).

31. Buckeye Trail (6.3 miles)—From Statler Road (northward along Great Miami River levee) to the Piqua Historical Area, Ohio Historical Society.

32. Miami and Erie Canal Trail (Buckeye Trail) (42 miles)—Trail follows the towpath of the old Miami and Erie Canal, now managed by the Ohio Department of Natural Resources, from State Route 66 (west of Lake Loramie State Park) northward to the village of Delphos.

33. Buckeye Trail, Independence Dam State Park (7 miles)—From the west boundary of the park to the east boundary, following the towpath of the old Miami and Erie Canal.

Michigan

34. M-99 Bikeway (5 miles)—From Hillsdale to Jonesville within the right-of-way of State Route 99. Bicyclists only may use the asphalt path; hikers should walk within the right-of-way parallel to the bike path.

35. Shore-to-shore Riding and Hiking Trail (34.3 miles)—From a point ½ mile east of U.S. Route 31 and ½ mile south of Vance Road in section 16, T. 26 N., R. 11 W., Grand Traverse County, eastward to the west end of Manistee Lake Road approximately 1.7 miles west of Darragh on the section line between section 6, T. 27 N., R. 6 W., and section 31, T. 28 N., R. 6 W., Kalkaska County.

36. Jordan River Pathway, Mackinac State Forest (9.25 miles)—From a point on the trail in section 10, T. 30 N., R. 6 W., approximately 0.85 miles south of Pinney Bridge Road, to the northern-most point of the trail in section 29, T. 31 N., R. 5 W., following the western and northern portions of the pathway loop.

37. Warner Creek Pathway, Mackinac State Forest (1.6 miles)—From the southern-most point of the pathway loop near the west end of O'Briens Pond to the trailhead and parking area.

38. Spring Brook Pathway, Mackinac State Forest (1.7 miles)—From the western-most point on Loop A to the trailhead and parking area, following the southern portion of Loop A.

39. North Country Trail, Hiawatha National Forest (14.6 miles)—From Forest Road 3139 in section 2, T. 44 N., R. 5 W., to Forest Road 3150 in section 29, T. 47 N., R. 5 W.

40. North Country Trail, Lake Superior State Forest (24.6 miles)—From the western boundary of Tahquamenon Falls State Park to the eastern boundary of Muskallonge Lake State Park.

41. North Country Trail, Lake Superior State Forest (18.1 miles)—From the western boundary of Muskallonge Lake State Park to the eastern boundary of Pictured Rocks National Lakeshore.

42. North Country Trail (Lakeshore Trail), Pictured Rocks National Lakeshore (40.25 miles)—From the eastern boundary of the lakeshore along County Road H-58 to the visitor center near Munising Falls at the western boundary of the lakeshore.

43. North Country Trail, Ottawa National Forest (3.6 miles)—From a point in section 6, T. 49 N., R. 40 W., along a road which extends westward from the historic townsite of Victoria to a point in the southeast corner of section 35, T. 50 N., R. 41 W., near the intersection of Norwich Road and Forest Road 219.

44. North Country Trail, Bergland Segment, Ottawa National Forest (26 miles)—From a point on Forest Road 219 near the line between sections 3 and 4, T. 49 N., R. 41 W., to South Boundary Road in section 23, T. 50 N., R. 44 W.

45. North Country Trail, Ottawa National Forest (10.2 miles)—From a point in section 8, T. 49 N., R. 45 W., approximately ½ mile west of Gogebic County Road 519 to a point on the southern line of section 29, T. 49 N., R. 46 W., just east of County Road 513.

Wisconsin

46. North Country Trail, Copper Falls State Park (7.8 miles)—From a point on the eastern park boundary in the northern end of the park near the common corner of sections 8, 9, 16, and 17, T. 45 N., R. 2 W., to the southern park boundary adjacent to State Route 169.

47. North Country Trail, Chequamegon National Forest (60 miles)—From the trailhead and parking area on Forest Road 390, approximately 2 miles west of Mellen, to Bayfield County Road A at a point approximately 5 miles south of Iron River.

Minnesota

48. North Country Trail, Chippewa National Forest (3.6 miles)—From the Willow River in section 28, T. 142 N., R. 25 W., east of Forest Road 2101 to a point near the southwest corner of section 7, T. 142 N., R. 25 W., south of Forest Road 2321.

49. North Country Trail, Chippewa National Forest (8.6 miles)—From a point in the southeast corner of section 8, T. 142 N., R. 26 W., just north of Cass County Road 4 to the Boy River in section 9, T. 141 N., R. 27 W., south of State Route 34.

50. North Country Trail, Chippewa National Forest (26 miles)—From Cass County Road 125 in the northeast portion of section 20, T. 141 N., R. 28 W., to the western forest boundary in section 31, T. 142 N., R. 31 W.

North Dakota

51. Oak Ridge Hiking Trail, Sheyenne State Forest (0.85)—From the northeastern-most point on the trail to the trailhead following the southern portion of the loop.

Dated: July 21, 1983.

Randall R. Pope,

Acting Regional Director, Midwest Region.

[FR Doc. 83-20709 Filed 8-1-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 83-17882 beginning on page 30783 in the issue of Tuesday, July 5, 1983, make the following correction:

On page 30788, third column, MC 2934 (Sub-157), Aero Mayflower Transit Company, Inc., in the eleventh line, "Electronic Computer Sales, Inc." should

have read "Economic Computer Sales, Inc."

BILLING CODE 1505-01-M

Motor Carrier; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931, and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of 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 1, (202) 275-7992.

Volume No. OP1-FC-305

MC-FC-81592. By decision of July 26, 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 VALLEY MOVING SERVICES, INC., of Hanover, NH, of Certificate No. MC-9790 issued June 3, 1976, to HANOVER TRANSFER & STORAGE, INC., of Hanover, NH, authorizing the transportation of (1) household goods as defined by the Commission, (a) between points in Strafford County, NH, on the one hand, and, on the other, points in CT, ME, MA, NH, RI and VT, and (b) between points in that part of NH south of NH Hwy 25 and east of U.S. Hwy 3, and those in that part of ME south of ME Hwy 25, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in CT, ME, MA, NH, NJ, NY, RI and VT, (2) general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Hanover, NH, on the one hand, and, on the other, points in VT within 15 miles of Hanover, (3) household goods as defined by the Commission, school furniture and equipment, and personal effects of students, between points in Grafton and Sullivan Counties, NH, and Orange and Windsor Counties, VT, on the one hand, and, on the other, points in CT, MA, NH, NY and VT, and (4) canoes and accessories, between Hanover, NH, on the one hand, and, on the other, points in VT. Representative: Albert J. Cirone, Jr., 23 Bank St., Lebanon, NH 03766. (603) 448-1330.

MC-FC-81604. By decision entered July 26, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, the Review Board, Members Joyce, Krock and Williams approved the transfer to Sam Haft & Son, Inc., of Paterson, NJ, of all of the operating rights contained in Certificate No. MC-76680, issued December 19, 1941, to J. Fishman & Son, Inc., of Paterson, NJ, authorizing the transportation of household goods between, New York, NY, and points in NJ, on the one hand, and, on the other, points in CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NJ, NY, NC, OH, RI, NH, SC, PA, TN, VT, VA, WV and DC. Representative: Robert J. Gallagher, 1435 G St., N.W. Suite 848, Washington, DC 20005, (202)-628-1642.

MC-FC-81612. By decision of July 26, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, the Review Board, Members Krock, Williams and Dowell, approved the transfer to D & F TRUCKIN' INC., of Ft. Morgan Co., of Certificate No. MC-159011 issued August 23, 1982, to DICK GASSER & SONS TRUCKING, LIMITED, of Commerce City, Co, authorizing the transportation of (1) meats, meat products, meat byproducts and articles distributed by meat-packing houses, as described in Sections A, B and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Denver and points in Logan and Morgan Counties, CO, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) malt beverages, between St. Louis, MO, and points in Clear Creek County, CO. Transferor will retain Permit No. MC-159011 (Sub-No. 1), which authorizes 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), under continuing contract(s) with Navajo Shippers Inc., of Denver, CO, a freight forwarder, which will duplicate the authority that's being acquired by transferee. Representative: A. J. Swanson, P.O. Box 1103, Sioux falls, SD 57101-1103, (605) 335-1777.

For the following, please direct status calls to Team 3 (202) 275-5223.

Volume No. OP3-MC-FC-358

MC-FC-81179. By decision of July 26, 1983, issued under 49 U.S.C. 10926 and the transfer rules at CFR 1181, the Review Board, Members Joyce, Krock, and Dowell, approved the transfer to LABRADOR MOVING CO., INC., d.b.a. FLORIDA-EASTERN U.S. VAN LINES, INC., of Certificate No. MC-148255, issued March 9, 1981, (Sub-No. 1), issued December 10, 1981, (Sub-No. 2), issued October 1, 1981, and (Sub-No. 3), issued February 22, 1983, to FLORIDA-EASTERN U.S. VAN LINES, INC., (LOUIS W. FRYMAN, TRUSTEE IN BANKRUPTCY), Conshohocken, PA, authorizing the transportation of (1) *household goods*, between points in Philadelphia, Delaware, Chester, Montgomery, Bucks, Northampton, Lehigh, Berks, Lebanon, Lancaster, and Dauphin Counties, PA, points in NJ (except points in Sussex, Passaic, and Bergen Counties), and points in New Castle County, DE, on the one hand, and, on the other, points in FL, GA, SC, and NC, (2) *household goods*, (a) between points in MA, RI, CT, NY, NJ, OH, PA, MD, DE, VA, WV, NC, SC, GA, FL, AL, and DC, (b) between Trenton, NJ, and points in NJ and PA within 25 miles of Trenton, NJ, on the one hand, and, on the other, points in DE, MD, CT, MA, NY, PA, NJ, and DC, and (c) between Trenton, NJ, and points in NJ and PA within 25 miles of Trenton, NJ, on the one hand, and, on the other, points in RI, VA, NC, SC, OH, and GA.

(3) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for or on behalf of the United States Government, and (4) *used household goods* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. Representative: William P. Thorn, 12th Floor, Packard Bldg., Philadelphia, PA 19102.

Note.—An application for temporary authority has been filed.

MC–FC–81563. By decision of July 26, 1983, issued under 49 U.S.C. 10926 and the transfer rules at CFR 1181, the Review Board, Members Parker, Krock, and Williams, approved the transfer to AMERICAN AIR TRANSPORT, INC., Roanoke, VA, of Certificate No. MC–129335 (Sub-No. 5), issued May 31, 1974, (Sub-No. 6), issued November 15, 1972, and (Sub-No. 7), issued November 4, 1981, to DeHAVEN TRANSFER & STORAGE CO., INC., Roanoke, VA, authorizing the transportation of *household goods*, (1) between points in Logan County, WV, on the one hand, and, on the other, points in IN, KY, OH, NC, and VA, (2) between points in Lincoln, Wayne, Logan, and Mingo Counties, WV, Boyd, Carter, Lawrence, Johnson, Martin, and Pike Counties, KY, on the one hand, and, on the other, points in WV, VA, KY, OH, IN, IL, MI, PA, NY, and DC, and (3) between points in VA, on the one hand, and, on the other, points in KY, NC, SC, TN, WV, MD, PA, DE, NJ, NY, and DC. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004.

[FR Doc. 83–20813 Filed 8–1–83; 8:45 am]
BILLING CODE 7035–01–M

[OP4F–481]

Motor Carriers; Proposed Exemptions; PepsiCo. Inc.

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 by September 1, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: July 26, 1983.

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

Agatha L. Mergenovich.

Secretary.

PepsiCo, Inc.—Continuance in Control Exemption—North American Van Lines, Inc., Lee Way Motor Freight, Inc., and Frito Lay, Inc.

MC–F–15347. PepsiCo, Inc., a noncarrier which controls North American Van Lines, Inc. (North American), a regulated motor carrier (No. MC–107012), Lee Way Motor Freight, Inc. (Lee Way) a regulated motor carrier (No. MC–61440), and Frito Lay, Inc. (Frito), a noncarrier which has filed an application for contract carrier authority to provide service to Mercruiser Division of Brunswick Corporation in No. MC–168537, seeks an exemption from the requirement under 49 U.S.C. 11343 of prior regulatory approval for its continuance in control of North American, Lee Way, and Frito. Send comments to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423 and (2) Mr. Richard O. Battles, 3401 N.W. 63rd Street, Oklahoma City, OK 73116. Comments should refer to MC–F–15347.

[FR Doc. 83–20806 Filed 8–1–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier; Permanent Authority Decisions; Restriction Removals

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed. Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

Agatha, L. Mergenovich,

Secretary.

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–304

Decided: July 26, 1983.

By the Commission, Review Board Members Parker, Williams and Dowell.

MC 138530 (Sub-4)X, filed July 19, 1983. Applicant: NORBET TRUCKING CORP., 100 Nassau Terminal Rd., New Hyde Park, NJ 11040. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW, Suite 500, Washington, DC 20006, (202) 828–5015. Leased and Sub-Nos. 1 and 2, Permits, (1) broaden the commodity description from iron and steel articles, and materials, equipment and supplies used in the manufacture, distribution, and installation of the above mentioned commodities to "Metal products", (2) broaden the territorial description from between Shelton, CT, New Hyde Park, NY, Kearny, NJ and Baltimore, MD, on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas, to "between points in the United States (except AK and HI) (3) eliminate the bulk restriction, and in Sub 2 eliminate the originating at or destined to restriction.

[FR Doc. 83–20809 Filed 8–1–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed

by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property-that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier-that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker-that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries about the following to Team Three (3) at (202) 275-5223

Volume No. OP3-346

Decided: July 22, 1983.

By the Commission, Review Board Members, Carleton, Krock, and Dowell.

MC 117465 (Sub-28), filed July, 14 1983. Applicant: BEAVER EXPRESS SERVICE, INC., 2120 Webster Woodward, OK 72801.Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601, (913) 234-0565.Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), serving points tn Union and Harding Counties, NM, as off-route points in connection with applicant's existing regular-route authority in TX, OK, KS, and NM.

MC 141804 (Sub-540), filed July 8, 1983. Applicant: WESTERN EXPRESS (DIVISION OF INTERSTATE RENTAL, INC.) P.O. Box 10 (1444 Blairbridge Rd.) Austell, GA 30001.Representative: Gene J. Margelli (same address as applicant), (404) 944-9300. 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 Minnesota Mining and Manufacturing Company (3M) of St. Paul, MN.

MC 121835 (Sub-4), filed July 7, 1983. Applicant: VIKING FREIGHT SYSTEM, INC., 3405 Victor St., Santa Clara, CA 95050. Representative: Thomas M. Loughran, 100 Bush St., 21st Fl., San Francisco, CA 94104 (415) 986-5778. (A) Over *regular routes*, transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) Between Brookings, OR, and Olympia, WA, over U.S. Hwy 101, (2) Between Medford, OR, and the International boundary line between the United States and Canada in WA, over Interstate Hwy 5, (3) Between Weed, CA, and the International boundary line between the United States and Canada in WA, over U.S. Hwy 97, (4) Between Lakeview, OR, and Laurier, WA, over U.S. Hwy 395, (5) Between Winnemucca, NV, and Eastport, ID, over U.S. Hwy 95, (6) Between Las Vegas, NV, and Sweetgrass, MT, over Interstate Hwy 15, (7) Between Nogales, AZ, and Tucson, AZ, over Interstate Hwy 19, (8) Between Phoenix, AZ, and Flagstaff, AZ, over Interstate Hwy 17, (9) Between Las Cruces, NM, and Sheridan, WY: From Las Cruces over Interstate Hwy 25 to junction Interstate Hwy 90, and then over Interstate Hwy 90 to Sheridan, WY, and return over the same routes, (10) Between Laredo, TX, and Gainesville, TX, over Interstate Hwy 35, via Interstate Hwys 35E and 35W, (11) Between Lubbock, TX, and Amarillo, TX, over Interstate Hwy 27, (12) Between Houston, TX, and Dallas, TX, over Interstate Hwy 45, (13) Between Seattle, WA, and Gillette, WY, over Interstate Hwy 90, (14) Between Portland, OR, and Tremonton, UT, over Interstate Hwy 84, (15) Between Cheyenne, WY, and junction Interstate Hwy 80 and U.S. Hwy 50 Alternate, near Fernley, NV, over Interstate Hwy 80, (16) Between Fallon, NV, and Lamar, CO, over U.S. Hwy 50, (17) Between Burlington, CO, and junction Interstate

Hwy 70 and Interstate Hwy 15, near Cove Fort, UT, over Interstate Hwy, 70 (18) Between Topock, AZ, and McLean, TX, over Interstate Hwy 40, (19) Between Tucson, AZ, and Beaumont, TX, over Interstate Hwy 10, (20) Between Corpus Christi, TX, and San Antonio, TX over Interstate Hwy 37, (21) Between junction Interstate Hwys 10 and 20, near Kent, TX, and the TX/LA State line, over Interstate Hwy 20, (22) Between Fort Worth, TX, and Amarillo, TX, over U.S. Hwy 287 and (23) Between Roscoe, TX, and junction Interstate Hwy 40 and U.S. Hwy 84, near Santa Rosa, NM, over U.S. Hwy 84, serving all intermediate points in (1) through (23) above, and serving all points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY as off-route points; and (B) over *irregular routes*, 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).

Note.—Applicant intends to tack the regular-route authority with its existing authority.

MC 163655, filed July 13, 1983. Applicant: T.S.R. INC., 26300 Van Born Rd., Suite 225 Dearborn Heights, MI 48125. Representative: P. L. Graham Sr., P.O. Box 37, Lincoln Park, MI 48146, (313) 388–5168. 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 169185, filed July 11, 1983. Applicant: SOUTHERN DRAYAGE CO., 7570 NW 14th St., Miami, FL 33126. Representative: Richard B. Austin, 8390 NW 53rd. St., #320, Miami, FL 33166, (305) 592–0036. Transporting *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 169204, filed July 13, 1983. Applicant: HESS TRUCKING, 2605 Taney Rd., Baltimore, MD 21209. Representative: James T. Darby, 1021 Irving Ave., Colonial Beach, VA 22443 (804) 224–0773. Transporting (1) *machinery* and (2) *ores*, between points in the U.S. (except AK and HI).

MC 169214, filed July 13, 1983. Applicant: GARY GRELL, Route 1, Donahue, IA 52746. Representative: Gary Grell (same address as applicant) (319) 843–3641. Transporting *metal products*, between points in AR, CO, CT, IL, IN, IA, KS, KY, LA, MI, MN, MO, MS, NE, NJ, NY, ND, OH, OK, PA, SD, TN, TX and WI.

MC 169215, filed July 13, 1983. Applicant: ROSS T. DULEY, SR., 989 McGilchnist St., SE, Salem, OR 97302. Representative: Ross T. Duley, Sr. (same address as applicant), (503) 363–0291. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with R & R Truck Brokers, Inc. of Medford, OR.

Volume No. OP3–348

Decided: July 26, 1983.

By the Commission, Review Board Members Carleton, Parker, and Williams.

MC 108835 (Sub-62), filed July 11, 1983. Applicant: HYMAN FREIGHTWAYS, INC., P.O. Box 43393, 1745 Union Ave., St. Paul, MN 55114. Representative: Robert S. Lee, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *class B explosives*, between Sioux Falls, SD, and points in Yanton County, SD, on the one hand, and, on the other, points in IL, IN, IA, KS, MI, MN, MO, NE, ND, OK, and WI. Condition: The authority granted herein to the extent it authorizes the transport of class B explosives, is limited in point of time to a period of five (5) years from the date of issuance.

MC 145815 (Sub-4), filed July 14, 1983. Applicant: COBRA TRUCKING, INC., P.O. Box 2137, Clinton, MS 39056. Representative: Catherine A. David, (same address as applicant), (601) 922–5111. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 148305 (Sub-3), filed July 8, 1983. Applicant: A. J. NINNEMEN, d.b.a. A. J. NINNEMAN TRUCKING, Rural Route 1, Denton, NE 68339. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501–2028, (402) 475–6771. Transporting *machinery and transportation equipment*, between points in CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161005 (Sub-1), filed July 11, 1983. Applicant: REILLY CARTAGE, INC., 4100 W Orchard St., Milwaukee, WI 53215. Representative: Wayne W. Wilson, 150 E Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IL, IN, IA, MI, MN, OH, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164554 (Sub-1), filed July 11, 1983. Applicant: D'ANJOU TRANSPORT, INC., 373 Temiscouata, Reviere-du-Loup, Quebec, Canada G5R 2Y9. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 01401, (207) 773–5651. Transporting, in foreign commerce, *general commodities* (except classes A and B explosives and household goods), between points in ME, NH, and VT on the International Boundary line between the U.S. and Canada, on the one hand, and, on the other, points in ME and VT, under continuing contract(s) with Georgia-Pacific Corporation of Woodland, ME.

MC 169135, filed July 11, 1983. Applicant: FLORIDA MODULAR TRANSPORT, INC., 1455 Florida Hwy 655, Auburndale, FL 33823. Representative: M. Craig Massey, P.O. Box Drawer 2787, Lakeland, FL 33806–2787, (813) 682–1178. 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 Fleetwood Homes of Florida, Inc. of Lakeland, FL, and its subsidiaries.

Volume No. OP3–350

Decided: July 26, 1983.

By the Commission, Review Board Members Krock, Parker, and Joyce.

MC 2934 (Sub-164), filed July 11, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry, (same address as applicant), (317) 875–1142. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with W. B. Johnson Properties, Inc., of Atlanta, Ga.

MC 2934 (Sub-167), filed July 14, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 No. Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *electronic equipment and electronic components or accessories*, between Brooklyn Park, MN, and points in the U.S. (except AK and HI), under continuing contract(s) with Network Systems Corporation of Brooklyn Park, MN.

MC 31024 (Sub-48), filed July 13, 1983. Applicant: NEPTUNE WORLD WIDE MOVING, INC., 55 Weyman Ave., New Rochelle, NY 10802–05. Representative: Luz Maria Morena (same address as applicant), (914) 632–1300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with International Business Machines Corporation of Armonk, NY.

MC 59444 (Sub-15), filed July 11, 1983. Applicant: WALLER TRUCK CO., INC., Route 2, Box 5900, Richmond, MO 64085. Representative: Patrick K. McMonigle, 1221 Baltimore Avenue, Suite 600,

Kansas City, MO 64105–1961, (816) 221–1464. 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 65325 (Sub-3), filed July 13, 1983. Applicant: MASTER MOVERS, INC., 6521 Storer Ave., Cleveland, OH 44102. Representative: Earl N. Merwin, 85 E. Gay St., Columbus, OH 43215, (614) 224–3161. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 105984 (Sub-36), filed July 15, 1983. Applicant: JOHN B. BARBOUR TRUCKING CO., P.O. Box 577, Iowa Park, TX 76367. Representative: Bernard H. English, 6250 Firth Road, Fort Worth, TX 76116, (817) 731–8431. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except HI).

MC 115865 (Sub-9), filed July 15, 1983. Applicant: QUIMBY TRUCKING, INC., P.O. Box 807, Hermiston, OR 97838. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *general commodities* (except classes A and B explosives and household goods), between points in WA, OR, CA, ID, MT, WY, NV, UT, AZ, CO, NM and TX.

MC 120924 (Sub-15), filed July 11, 1983. Applicant: B&W CARTAGE CO., INC., 2932 West 79th Street, Chicago, IL 60652. Representative: Carl L. Steiner, 135 South LaSalle Street, Suite 2106, Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), (1) between points in AZ, CA, CO, ID, MT, NE, NV, NM, ND, OR, SD, UT, WA and WY, and (2) between points in AZ, CA, CO, ID, MT, NE, NV, NM, ND, OR, SD, UT, WA and WY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145235 (Sub-15), filed July 11, 1983. Applicant: DUTCH MAID PRODUCE, INC., RD2, Willard, OH 44890. Representative: J. L. Nedrich, 20821 Oak Trail, Strongsville, OH 44136, (216) 572–0947. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 166045 (Sub-2), filed July 7, 1983. Applicant: AG CARRIERS, INC., P.O. Box 2460, Leesburg, FL 32748. Representative: Don E. Graham, 1850 K St., NW., #500, Washington, DC 20006, (202) 887–8054. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with shippers, manufacturers and distributors of food and related products.

[FR Doc. 83–20814 Filed 8– –83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub-956)]

Railcarriers; Seaboard System Railroad, Inc.; Exemption for Contract Tariffs—ICC–SBD–C–0143 (Chemicals)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariffs may become effective on one day's notice.[1] This exemption may be revoked if protests are filed.

DATES: Pdrotests are due by August 17, 1983.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275–7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

Decided: July 26, 1983.

By the Commission, the Review Board, Members Parker, Joyce, and Dowell.

Agatha L. Mergenvoich,

Secretary.

[FR Doc. 83–20815 Filed 8–1–83; 8:45 am]

BILLING CODE 7035–01–M

[1] Note tariff supplements advancing contract's effective date shall refer to this decision for authority. This exemption procedure is no longer required if the procedures established in Ex Parte No. 387 (Sub-No. 200), are observed. See 48 FR 23824, May 27, 1983.

[ICC Order 3]

Rail Carriers; Chicago, Rock Island and Pacific Railroad Co.; Rerouting of Traffic

In September of 1979, the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (RI), was declared cashless by the Commission and ceased operations. The Kansas City Terminal Railway Company (KCT) was ordered by the Commission then to serve all lines of the RI as a directed rail carrier under 49 U.S.C. 11125. That operation continued for almost six (6) months and until Federal funding was no longer available, and was replaced by non-compensated directed service provided by various carriers operating about fifty percent of the system in the form of short, unconnected line segments.

It became imminently clear that, in order for the carriers to perform their operations over various RI line segments, RI rates must be adopted and made immediately applicable, and routing flexibility permitted where continuous routings over the RI were not possible. This was accomplished by I.C.C. Order No. 63, Rerouting Traffic, issued March 27, 1980. That order permitted certain carriers handling traffic to and from RI points to reroute that traffic over any available route in order to complete the movement, and to maintain the rate as orginally routed.

On June 24, 1981, the Commission issued I.C.C. Order No. 80, Rerouting Traffic (replacing I.C.C. Order No. 63), which continued certain rerouting authorities in effect over the RI, and admonished carriers utilizing the reroute order and whose operating authorities were contained in Service Order No. 1473, to make the necessary revisions to their tariffs thus allowing the routings currently being utilized without the need for supplemental authority. Since that time, I.C.C. Order No. 80 has been revised to accommodate additional carriers receiving authority under Service Order No. 1473, and to remove the rerouting authority for carriers which have completed their tariff modifications. I.C.C. Order No. 80 is scheduled to expire on July 31, 1983.

Requests for continued rerouting authority have been received from St. Louis Southwestern Railway Company

(SSW); Oklahoma, Kansas and Texas Railroad Company (OKKT); North Central Oklahoma Railway, Inc. (NCOK), and Texas North Western Railway Company (TXNW). These requests emphasize the need for continuity of rates and routings currently being utilized while tariff revisions are being completed. Further, the requests indicate that present tariff modifications should be completed within six (6) months.

It is the opinion of the Commission that the RI cannot transport traffic offered for movement over its lines due to the cessation of its operations; that the interests of the affected shippers and interim operators require continuation of this authority; that six (6) months continuation of this authority will not constitute an undue burden for any connecting carrier or for the Estate, and that this matter is considered to be outside the scope of a single railroad, as provided by *Ex Parte No. 376, Rerouting of Traffic*, 364 I.C.C. 827, thereby making this action by the Commission necessary.

It is ordered:

(a) *Rerouting traffic.* The Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (RI), being unable to transport promptly traffic offered for movement via its lines due to the cessation of its operations, that line's operators named below are authorized to reroute such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting: St. Louis Southwestern Railway Company, North Central Oklahoma Railway, Inc., Oklahoma, Kansas and Texas Railroad Company, Texas North Western Railway Company.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be rerouted.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted and shall furnish to such shipper the new routing provided for under this order, except when the disability requiring the rerouting occurs after the movement has begun.

(d) Inasmuch as the rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic rerouted pursuant to this order shall be the rates which were applicable on the shipments as originally routed.

(e) In executing the directions of the Commission provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements may now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agree upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., July 31, 1983.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1984, unless otherwise modified, amended or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 11124.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 27, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Vice Chairman Sterrett did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-20807 Filed 8-1-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30214]

Railroad Car Service and Car Hire Pooling Agreement; Notice of Filing and Proposed Special Rules of Procedure

July 26, 1983.

An application, as summarized below, has been filed by certain railroad companies under 49 U.S.C. 11342(a) for authority to enter a car service and car hire pooling agreement. The agreement involves general service freight cars (including, but not limited to, boxcars, flatcars, gondolas, and open hoppers). The railroads listed as applicants are:

The Atchison, Topeka and Santa Fe Railway Company, 80 East Jackson Boulevard, Chicago, IL 60604.

Bangor and Aroostook Railway Company, Northern Maine Junction Park, RR2, Bangor, ME 04401.

Bessemer and Lake Erie Railroad Company, 135 Jamison Lane, P.O. Box 68, Monroeville, PA 15146.

Boston and Maine Corporation, Debtor, Robert W. Meserve and Benjamin H. Lacy, Trustees, Iron Horse Park, North Billerica, MA 01862.

Delaware and Hudson Railway Company, 40 Beaver Street, Albany, NY 12207.

Illinois Central Gulf Railroad Company, 233 North Michigan Avenue, Chicago, IL 60601.

The Kansas City Southern Railway Company, 4601 Blanchard Road, Shreveport, LA 71107.

Maine Central Railroad Company, 242 St. John Street, Portland, ME 04102.

Missouri Pacific Railroad Company, 210 North 13th Street, St. Louis, MO 63103.

Southern Pacific Transportation Company, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105.

Union Pacific Railroad Company, The Western Pacific Railroad Company, Spokane International Railroad Company, 1416 Dodge Street, Omaha, NE 68179.

Applicants' representatives are:

John M. Nannes, Skadden, Arps, Slate, Meagher & Flom, 919 Eighteenth Street, NW., Washington, D.C. 20006, (202) 463-8700.

Brian C. Mohr, Skadden, Arps, Slate, Meagher & Flom, 919 Third Avenue, New York, NY 1002, (212) 371-6000.

Description of the Transaction

Pursuant to the proposed pooling agreement, the applicants will agree to (1) Implement a set of car hire balancing rules that would encourage a reduction in empty car miles while approximating an individual participating railroad's car hire earning ability, (2) implement a set of car flow rules similar to those in Car Service Rule 4 that would protect car supply for participating railroads that are originating carriers, (3) establish organizations that would be responsible for modifying both sets of rules as necessary, (4) permit the employment of individuals or companies with management experience in car utilization to achieve a more cost-efficient distribution of general service freight cars, (5) collect information and conduct research and development to improve distribution and use of general service freight cars, and (6) share the management costs and expenses of

operation and of research and development associated with the pooling agreement.

The responsibility for implementing the pooling agreement would be under the direction of an Executive Committee composed of one representative of each railroad which has agreed to participate in a car hire balancing system for any involved car type. This Executive Committee may establish steering committees to oversee the car hire balancing rules and car flow rules for particular car types.

Participation in the pool will not be limited to the railroads listed above, but will be open to other railroads with operations in the United States which become signatories to the pooling agreement and comply with its provisions. If the application is approved, applicants have requested that the Commission adopt an expedited procedure for approval of other railroads' participation.

Applicants contend that the pooling agreement will result in better service to the public and more economical operations by reducing excess empty car miles generated by general service equipment during periods of car surplus. Purportedly, the agreement would accomplish this goal by changing the car hire incentives associated with the use of foreign equipment and by making the originating railroads indifferent (from a car hire perspective) whether foreign or system cars are loaded. Applicants further contend that the agreement will not unreasonably restrain competition because (1) the increased economies and efficiencies will make the railroads more viable intramodal and intermodal competitors and (2) the agreement minimizes potential anticompetitive effects by opening membership to all railroads, allowing carriers to withdraw on short notice, and not containing provisions for pooling of revenues or collective ratemaking.

A copy of the application is on file and can be examined in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. A copy of the application may also be requested from applicants' counsel.

In the opinion of applicants, the requested Commission action will not significantly affect either the quality of the human environment or energy consumption. Any protest may include a statement indicating the presence or absence of any impact of the requested Commission action on energy conservation, energy efficiency or the environment. If any impacts are alleged, the statement shall be accompanied by supporting data indicating the nature and degree of the anticipated impact.

Evidence will be received through written verified statements in accordance with the following provisions: (1) applicants' verified statements are those accompanying their application, (2) other verified statements in support of the application shall be due on [20 days after this notice is published in the **Federal Register**], (3) any protests and supporting verified statements shall be filed with the Commission by [50 days after this notice is published], with a copy to be served on applicants' counsel at the addresses stated above, (4) reply statements by all parties shall be due on [20 days thereafter], and (5) no oral hearing is contemplated.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-20808 Filed 8-1-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30230]

S.R. Investors, Ltd; Exemption from Requirements of Prior Approval

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10901 and 11301(1) the acquisition of a 50-mile line of railroad between Oakdale, CA, and Standard, CA, and (2) the issuance of a promissory note in the amount of $1,320,900.00.

DATES: This exemption shall be effective on August 2, 1983. Petitions to reopen must be filed by August 22, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30230 to:.

(1) Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Scott L. Glickson, 444 North Michigan Avenue, Suite 3600, Chicago, IL 60611.

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

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

Decided: July 25, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Vice Chairman Sterrett and Commissioner Andre would not impose a deadline on consummation of the exempted transaction.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-20810 Filed 8-1-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-188 (Sub-Number 1)]

Johnstown and Stony Creek Rail Road Co.—Abandonment and Discontinuance of Service Over Its Entire Line in Cambria County, PA; Notice of Finding

The Commission has found that the public convenience and necessity permit Johnstown and Stony Creek Rail Road Company to abandon its entire 5.46 mile rail line in Cambria County, PA. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in boldface on the lower left-hand corner of the envelope: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedues regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-20811 Filed 8-1-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

High Unemployment Area Classifications Under Pub. L. 98-8; Additions to List of High Unemployment Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATE: The additions to the list are effective on August 1, 1983.

SUMMARY: The purpose of this notice is to announce the addition of 5 civil jurisdictions to the list of high unemployment areas.

FOR FURTHER INFORMATION CONTACT: James W. Higgins, U.S. Employment Service (Attention: TEEPA), 601 D Street, NW., Washington, D.C. 20213. Telephone: 202–376–6700.

SUPPLEMENTARY INFORMATION: Section 101(a)(3) of Pub. L. 98–8 Stat. 13 (March 24, 1983) (the "Act") requires the Assistant Secretary for Employment and Training, U.S. Department of Labor, to classify civil jurisdictions as having high unemployment and to publish a list of these jurisdictions together with descriptions thereof no later than 30 days after enactment of the Act. That list was published on April 22, 1983 (48 FR 17456).

The Act also requires that the list of high unemployment areas be updated on a monthly basis thereafter, by adding civil jurisdictions that the Assistant Secretary deems to meet the criteria necessary for classification. The areas described below have been classified by the Assistant Secretary as high unemployment areas and added to the list of high unemployment areas, effective August 1, 1983.

Signed at Washington, D.C., on July 22, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

ADDITIONS TO THE LIST OF HIGH UNEMPLOYMENT AREAS

(August 1, 1983)

High unemployment area	Civil jurisdiction included
New Mexico:	
Colfax County	Colfax County.
Eddy County	Eddy County.
Oklahoma: Washita County	Washita County.
Utah:	
Carbon County	Carbon County.
San Juan County	San Juan County.

[FR Doc. 83-20895 Filed 8-1-83; 8:45 am]

BILLING CODE 4510-30-M

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Additions to Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATE: The additions to the annual list are effective on August 1, 1983.

SUMMARY: The purpose of this notice is to announce changes to the annual list of labor surplus areas.

FOR FURTHER INFORMATION CONTACT: James W. Higgins, United States Employment Service (Attention: TEEPA) 601 D Street, N.W., Washington, D.C. 20213. Telephone: 202–376–6700.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under that Order for classifying and designating areas as labor surplus areas.

Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by Executive Order 12260. Federal Procurement Regulations Temporary Regulation 57 (41 CFR Chapter 1, Appendix), issued by the General Services Administration on January 15, 1981 (46 FR 3519), implements Executive Order 12260. Executive agencies should refer to Temporary Regulation 57 in procurements involving foreign businesses or products in order to assess its impact on the particular procurements.

The Department of Labor's regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR Part 654, Subparts A and B. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor published the annual list of labor surplus areas on June 4, 1982 (47 FR 24474).

Subpart B of Part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under Subpart A. Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582.

The areas described below have been classified by the Assistant Secretary of Labor as labor surplus areas pursuant to 20 CFR 654.5(b) (48 FR 15615 April 12, 1983) and are added to the annual list of labor surplus areas, effective August 1, 1983. The following additions to the annual list of labor surplus areas are published for the use of the Federal agencies in directing procurement activities and locating new plants or facilities.

Signed at Washington, D.C. on July 22, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

ADDITIONS TO THE ANNUAL LIST OF LABOR SURPLUS AREA

(Aug. 1, 1983)

Labor Surplus Area	Civil Jurisdiction Included
Geogria: Hart County	Hart County.
Illinois: Adams County	Adams County.
New Mexico:	
Colfax County	Colfax County.
Eddy County	Eddy County.
San Juan County	San Juan County.
Oklahoma:	
Okfuskee County	Okfuskee County.
Washita County	Washita County.
Tennessee: Carter County	Carter County.
Texas: Orange County	Orange County.
Utah: Carbon County	Carbon County.
West Virginia:	
Doddridge County	Doddridge County.
Grant County	Grant County.
Hampshire County	Hampshire County.
Hardy County	Hardy County.
Mineral County	Mineral County.
Morgan County	Morgan County.
Upshur County	Upshur County.
Wisconsin: Jefferson County	Jefferson County.

[FR Doc. 83-20894 Filed 8-1-83; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Oregon State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the **Federal Register** (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D of Part 1952 containing the decision. The Notice of Approval of Revised Developmental Schedule was further published on April 1, 1974 in the **Federal Register.**

The Oregon plan provides for the adoption of Federal standards as State standards after comments and/or public hearing. Section 1952.108 of Subpart D sets forth the State's schedule for the adoption of Federal standards.

By letter dated March 28, 1983, from Darrel D. Douglas, Administrator,

Accident Prevention Division, Workers' Compensation Department, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted a standard amendment identical to 29 CFR 1910.106(g)(3)(vi), Hazardous Materials; Attendent Exemption and Latch-Open Devices, Amended, as published in the **Federal Register** (47 FR 39161) on September 7, 1982.

These standards, which are contained in OAR 437, Division 22–055, Oregon Occupational Safety and Health Code, were originally promulgated by the State after a notice was published in the Secretary of State's Administrative Rules Bulletin on December 1, 1982, pursuant to ORS Chapter 183.335. No written comments or requests for a public hearing were received. The Oregon Flammable and Combustible Liquids Standard Amendment was adopted January 17, 1983, and became effective February 15, 1983.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard, it has been determined that the State standard is identical to the Federal standard.

3. *Location of supplement for inspection and copying.* A copy of the standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Workers' Compensation Department, Labor and Industries Building, Salem, Oregon 97310; and the U.S. Department of Labor, Office of State Programs, Room N–3700, 200 Constitution Avenue, NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standard are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective August 2, 1983.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this 10th day of June 1983.

Jack R. Jones,

Acting Regional Administrator.

[FR Doc. 83–20897 Filed 8–1–83; 8:45 am]

BILLING CODE 4510–26–M

Utah State Standards; Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Sections 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under the delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (herinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On January 10, 1973, notice was published in the **Federal Register** (38 FR 1178) of the approval of the Utah Plan and adoption of Subpart E to Part 1952 containing the decision. The Plan provides for the adoption of Federal Standards as State Standards by:

1. Advisory committee recommendation.

2. Publication in newspapers of general/major circulation with a 30 day waiting period for public comment and hearings.

3. Commission order adopting and designating an effective date.

4. Providing certified copies of Rules and Regulations or Standards to the Office of the State Archivist.

Section 1953.23 sets forth the State's schedule for adoption of Federal Standards.

a. By letter dated April 28, 1983, from Ronald L. Joseph, Administrator, Utah Occupational Safety and Health Division, to Byron, R. Chadwick, Regional Administrator, and incorporated as part of the Plan, the State submitted rules and regulations concerning 29 CFR 1910 1025(f)(3), Occupational Exposure to Lead: Respirator Fit Testing, 47 FR 51110, Friday, November 12, 1982. These standards, which are contained in the Utah Occupational Safety and Health Rules and Regulations for General Industry, were promulgated per requirements of the Utah Code annotated 1953, Title 63–46–1, and in addition, published in newspapers of general/major circulation throughout the State. No public comments were received and no hearings were held.

The standards for 29 CFR 1910.1025, Occupational Exposure to Lead; Respirator Fit Testing, were amended and adopted by the Industrial Commission of Utah, Archives File Number 5996, on January 26, 1983, and became effective on February 15, 1983, pursuant to Title 35–9–6, Utah Code annotated 1953.

b. By letter dated April 28, 1983, from Ronald L. Joseph, Administrator Utah Occupational Safety and Health Division, to Byron R. Chadwick, Regional Administrator, and incorporated as part of the Plan, the State submitted rules and regulations concerning 29 CFR 1910.401 and 1910.402—Commercial Diving Operations, 47 FR 53357, November 26, 1982. These standards which are contained in the Utah Occupational Safety and Health Rules and Regulations for General Industry, were promulgated per the requirements of Utah Code annotated 1953, Title 63–46–1, and in addition, published in newspapers of general/major circulation throughout the State. No public comments were received and no hearings were held.

The standards for 29 CFR 1910.401 and 1910.402—Commercial Diving Operations, were amended and adopted by the Industrial Commission of Utah, Archives File Number 5997 on January 26, 1983, effective on February 15, 1983, pursuant to Title 35–9–6, Utah Code, Annotated 1953.

c. By letter date April 29, 1983, from Ronald L. Joseph, Administrator, Utah Occupational Safety and Health Division, to Bryon R. Chadwick, Regional Administrator, and incorporated as part of the Plan, the State submitted rules and regulations concerning 29 CFR 1910.1002 Coal Tar Pitch Volatiles; interpretation of term, 48 FR 2764, Friday, January 21, 1983. These standards which are contained in the Utah Occupational Safety and Health Rules and Regulations for General Industry, were promulgated per the requirements of Utah Code annotated 1953, Title 63–46–1, and in addition, published in newspapers of general/major circulation throughout the State. No public comments were received and no hearings were held.

The standards for 29 CFR 1910.1002 Coal Tar Pitch Volatiles; interpretation of term, were amended and adopted by the Industrial Commission of Utah.

Archives File Number 6192 on April 29, 1983, effective on May 18, 1983, pursuant to Title 35–9–6, Utah Code annotated 1953.

d. By letter dated May 17, 1983 from Ronald L. Joseph, Administrator, Utah Occupational Safety and Health Division, to Byron R. Chadwick, Regional Administrator, and incorporated as part of the Plan, the State submitted rules and regulations concerning 29 CFR 1910.95 Occupational Noise Exposure; Hearing Conservation Amendment; Final Rule, 48 FR 9738, Tuesday, March 8, 1983. These standards which are contained in the Utah Occupational Safety and Health Rules and Regulations for General Industry, were promulgated per the requirements of Utah Code annotated 1953, Title 63–46–1, and in addition, published in newspapers of general/major circulation throughout the State. No public comments were received and no hearings were held.

The standards for 29 CFR 1910.95 Occupational Noise Exposure; Hearing Conservation Amendment; Final Rule, were amended and adopted by the Industrial Commission of Utah, Archives File Number 6132 on March 30, 1983, effective on May 1, 1983, pursuant to Title 35–9–6, Utah Code annotated 1953.

2. Decision

The State submissions have been reviewed in comparison with the Federal Standards and it has been determined that the State Standards are identical to the Federal Standards and accordingly should be approved.

3. Location of Supplement for Inspection and Copying

A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 1554, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294; Utah State Industrial Commission, UOSHA Offices at 160 East 300 South, Salt Lake City, Utah 84111; and the Office of State Programs, Room N–3700, 200 Constitution Ave., NW., Washington, DC 20210.

4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplements to the Utah State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The Standards were adopted in accordance with the procedural requirements of State law which permitted public comments, and further public participation would be repetitious.

This decision is effective August 2, 1983.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed in Denver, Colorado this 16th day of June, 1983.

Harry C. Borchelt,

Acting Regional Administrator.

[FR Doc. 83–20896 Filed 8–1–83; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Arts; Music Advisory Panel (Opera-Musical Theater Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Opera-Musical Theater Section) to the National Council on the Arts will be held on August 17–19, 1983, from 9:00 a.m.–6:00 p.m. and on August 20, 1983, from 9:00 a.m.–5:30 p.m. in Room M–07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C.

A portion of this meeting will be open to the public on August 17 from 9:00 a.m.–9:30 a.m. to discuss Announcements/Updates.

The remaining sessions of this meeting on August 17 from 9:30 a.m.–6:00 p.m., August 18–19 from 9:00 a.m.–6:00 p.m., and August 20 from 9:00 a.m.–5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by great applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

July 26, 1983.

[FR Doc. 83–20867 Filed 8–1–83; 8:45 am]

BILLING CODE 7537–01–M

National Council on the Arts; Visual Arts Advisory Panel (Art in Public Places-Letters of Intent Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Art in Public Places-Letters of Intent Section) to the National Council on the Arts will be held on August 18–19, 1983, from 9:30 a.m.–5:30 p.m. in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundations on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the termination of the Chairman published in **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of Section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

July 27, 1983.

[FR Doc. 83–20868 Filed 8–1–83; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Record Keeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to

the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: New.
2. The title of the information collection: Survey of Licensees' Shift Technical Advisory Implementation and Operations Crew Practices.
3. The form number, if applicable: Not applicable.
4. How often the collection is required: Non-recurring.
5. Who will be required to ask to report: Nuclear Licensee/Reactor Operations and Senior Reactor Operators.
6. An estimate of the number of responses: 261.
7. An estimate of the total number of hours needed to complete the requirement or request: 87.
8. An indication of whether Section 3504(h), Pub. L. 96–511 applies: Not applicable.
9. Abstract: This voluntary information collection investigates licensees' approaches to the STA position requirement and operations shift crew practices in order to aid requirement; operator crew composition and qualifications; and a mechanism for operator-NRC communications. Starting date: April 1983. Ending date: April 1984.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395–7340.

NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland, this 25th day of July 1983.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 83-20912 Filed 8-1-83; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Record Keeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C.Chapter 35).

1. Type of submission, new, revision or extension: New
2. The title of the information collection: 10 CFR 50.54(m). Licensed Operator Staffing at Nuclear Power Plants
3. The form number, if applicable: Not applicable
4. How often the collection is required: One time only (non-recurring)
5. Who will be required to ask to report: Nuclear Power Unit Licensees
6. An estimate of the number of responses: Nine
7. An estimate of the total number of hours needed to complete the requirement or request: $9 \times 200 = 1800$
8. An indication of whether Section 3504(h), Pub. L. 96–511 applies: Not applicable
9. Abstract: The information collected is to be submitted by nuclear power unit licensees who are requesting extensions from the January 1, 1984 deadline for implementing the new amendment to 10 CFR 50.54(m) concerning licensed operator staffing. The information will allow NRR to determine if an extention to the deadline should be granted.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395–7340.

NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland, this 27th day of July 1983.

For the Nuclear Regulatory Commission.

M. Springer,

Acting Director, Office of Administration.

[FR Doc. 83-20913 Filed 8-1-83; 8:45 am]

BILLING CODE 7590-01-M

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is completing development of a number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides are in the following five areas: Government Organization, Design, Siting, Operation, and Quality Assurance. All of the codes and most of the proposed safety guides have been completed. The purposed of these codes and guides is to provide guidance to countries beginning neclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries in a specified safety area. Using this collation as a starting point, an IAEA working group of a few experts develops a preliminary draft of a code or safety guide which is then reviewed and modified by an IAEA Technical Review Committee corresponding to the specified area. The draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies as necessary the drafts of all codes and guides prior to their being forwarded to the IAEA Secretariat and thence to the IAEA Member States for comments. Taking into account the comments received from the Member States, the Senior Advisory Group then modifies the draft as necessary to reach agreement before forwarding it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG–D11, "General Design Safety Principles for Nuclear Power Plants," has been developed. The working group, consisting of Mr. K. Koeberlein from the Federal Republic of German; Mr. J. Shepherd from the United Kingdom; and Mr. J. F. Mallay (Babcock & Wilcox) from the U.S., developed the initial draft of this guide from an IAEA collation. This draft was subsequently modified by the IAEA Techncial Review Committee for Design, and we are now soliciting public comment on a modified draft (Rev. 5, dated April 8, 1983). Comments received by the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by September 12, 1983, will be particularly useful to the U.S. representatives to the Technical Review Committee and the Senior Advisory Group in developing their positions on its adequacy prior to their next IAEA meetings.

Single copies of this draft Safety Guide may be obtained by a written request to the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Washington, D.C. this 27th day of July 1983.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 83-20911 Filed 8-1-83; 8:45 am]

BILLING CODE 7590-01-M

[License Nos. 34-19089-01 and 34-19089-02; EA 83-33]

Advanced Medical Systems, Inc.; Order Imposing Civil Monetary Penalty

I

Advanced Medical Systems, Inc., on Factory Row, Geneva, Ohio (the "licensee") is the holder of Byproduct Material License No. 34-19089-01 and No. 34-19089-02 (the "licenses") issued by the Nuclear Regulatory Commission (the "Commission") which authorizes the processing, development, and distribution of sealed sources and the installation, dismantling and servicing of teletherapy equipment. License No. 34-19089-01 was issued on November 2, 1979 and expires on November 30, 1984. License No. 34-19089-02 was issued on July 9, 1980 and expires on July 31, 1985.

II

As a result of a routine inspection during the period March 1-3, 1983 by the Nuclear Regulatory Commission's Region III Office, the NRC staff determined that the licensee had not conducted its activities in full compliance with the conditions of the license and with the requirements of the Nuclear Regulatory Commission's "Standards for Protection Against Radiation", Part 20, Title 10, Code of Federal Regulations. The NRC served on the licensee a written Notice of Violation and Proposed Imposition of Civil Penalty by letter dated May 5, 1983. The Notice stated the nature of the violations, the provisions of the Atomic Energy Act, the Nuclear Regulatory Commission's regulations or license conditions that were violated, and the amount of the proposed civil penalty. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty with a letter dated June 1, 1983.

III

Upon consideration of Advanced Medical Systems' response (June 1, 1983) and the statements of fact, explanation, and argument in denial or mitigation contained therein as set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalty proposed for the violations designated in the Notice of Violations and Proposed Imposition of Civil Penalty should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay a civil penalty in the amount of Four Thousand Dollars within 30 days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555.

V

The licensee may within 30 days of the date of this Order request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement. A copy of the hearing request shall also be sent to the Executive Legal Director, USNRC, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing.

Should the licensee fail to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such a hearing shall be:

(a) Whether the licensee was in violation of the Commission's requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty referenced in Section II above; and

(b) Whether on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland, this 13th day of July 1983.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

Appendix—Evaluation and Conclusions

Each violation identified in the Notice of Violation dated May 5, 1983 was admitted by the licensee. However, the licensee offered several reasons why the civil penalty should not be imposed. The licensee's reasons are stated and the NRC evaluation and conclusions regarding these reasons are presented below.

Licensee's Reasons For Not Imposing the Civil Penalty

The licensee stated in its letter dated June 1, 1983 that:

The actions leading to the violations were a direct result of untimely hot cell equipment failure and an attempt to make immediate repairs. There was no hazard to the public as a result of the cited violations. The violations occurred in a restricted area inside our facility. The individuals involved were company personnel all fully trained, NRC licensed, and with many years of experience in this business. They had complete control of their actions and the company does not believe that their actions were willful in nature. Finally, the company did not condone or sanction any actions for which the penalty was imposed.

Upon learning of the individual overexposure incident, AMS promptly notified the NRC by letter and reported the incident. As soon as the film badge report was received and confirmed, a letter of notification was sent. AMS has and is taking action to prevent a recurrence of the violations. In addition to the corrective actions itemized in our response to the Notice of Violations, AMS has suspended all hot cell activity until decontamination, equipment changes, and maintenance is performed and is taking steps to reduce future employee exposure. Present radiation safety procedures are under review and an ALARA program is being developed.

AMS has no history of prior similar problems and therefore has not failed to implement previous corrective action. ASM has no prior knowledge of a problem as a result of an internal audit or specific NRC or industry notification. Multiple examples of particular violations have not been identified by the NRC during the inspection period. The violations cited occurred on a one-time basis and are not the result of the existence of a condition resulting in an on-going violation.

NRC Evaluation and Conclusion

The violations involved an overexposure, failure to make surveys, failure to properly use radiation monitoring equipment, and failure to test a calibration source for leakage. The licensee admitted the violations, but offers several reasons for not imposing the civil penalty.

Although the violations may have occurred as a result of an attempt to make immediate repairs on failed hot cell equipment, these circumstances do not excuse the failure of the licensee's employees to follow established radiation safety procedures while making equipment rapairs. Similarly, though the violations may have occurred in a restricted area and may not have posed a hazard to the general public, these facts do not provide a basis for mitigation of the civil penalty. Adherence to radiation safety procedures is even more important in areas where the potential exists for substantial radiation exposures. If these events had had a greater potential for or had resulted in a significant hazard to the public at large, higher civil penalties and other sanctions would likely have been imposed.

The licensee states that the violations were caused by experienced, fully trained "NRC licensed" personnel and were not willful. The company, not the individuals, holds the NRC license. The licensee was not cited, however, for inadequate training nor did the NRC propose the civil penalty for willful actions on the part of the licensee. The licensee says the violations were in disregard of company policy. While the violations may not have

been condoned by company policy or management, the licensee is responsible for the acts of its employees.

The licensee may have reported the overexposure, but mitigation of civil penalties under the enforcement policy is not generally appropriate for reporting of self-disclosing incidents such as radiation overexposures. A failure to report would be in itself a violation and the basis for imposing additional civil penalties.

None of the other factors identified by the licensee would warrant mitigation of the civil penalty. Although the licensee has taken corrective action, its actions were not extraordinary, only those which were necessary to respond to the violations found here. The NRC agrees that these violations did not involve matters for which the licensee had a prior history of noncompliance or prior notice of similar problem, and these factors were not used to increase the prior civil penalty under the enforcement policy for the violations here. While the licensee was cited for several violations for which a civil penalty of $4,000 was proposed, the NRC did not increase the base penalty for multiple violations.

In view of the foregoing considerations, there is no adequate basis for remission or mitigation of the proposed penalty.

[FR Doc. 83-20898 Filed 8-1-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Decay Heat Removal Systems; Meeting

The ACRS Subcommittee on Decay Heat Removal Systems will hold a meeting on August 24 and 25, 1983 in Room 1046, 1717 H Street; NW, Washington, DC.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, August 24, 1983—8:30 a.m. until the conclusion of business

The Subcommittee will discuss the Combustion Engineering Owners Group and NRC Staff recommendations concerning the installation of Power Operated Relief Valves on the Combustion Engineering power reactor systems.

Thursday, August 25, 1983—8:30 a.m. until the conclusion of business

The Subcommittee will discuss the two interim milestone reports for Task Action Plan A-45, "Shutdown Decay Heat Removal Requirements", concerning the grouping of light water reactors according to decay heat removal capability, and a quantitative screening criteria for decay heat removal systems.

During the intial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Combustion Engineering Owners Group, the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allocated therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Anthony Cappucci (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: July 27, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-20915 Filed 8-1-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-325]

Carolina Power and Light Co. (Brunswick Steam Electric Plant, Unit 1); Order Confirming Licensee Commitments on Pipe Crack Related Issues

I

The Carolina Power & Light Company (CP&L or the licensee) is the holder of Facility Operating License No. DPR-71 which authorizes operation of the Brunswick Steam Electric Plant, Unit 1 (Brunswick Unit 1 or the facility) at steady state reactor power levels not in excess of 2436 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Brunswick County, North Carolina.

II

During the current Brunswick Unit 1 refueling outage, augmented inservice inspection was performed on 36 austenitic stainless steel piping welds in the recirculation piping system and three welds in the residual heat removal (RHR) piping system. The results of ultrasonic test (UT) examinations indicated that a total of three welds in the recirculation piping system showed reportable linear indications of cracking. The three defective welds were all repaired by an overlay process. The overlay applied to the three defective welds was 0.4 to 0.7 inch thick and 3 to 6 inches long.

The licensee analyzed the three overlay repaired welds using the methodology provided in the new ASME Code Section XI IWB-3600. The estimated fatigue crack growth for the next five years in the repaired welds was determined to be negligible (less than 0.01 inches). The allowable crack depth for each overlay repaired weld was calculated to be larger than the original pipe wall thickness. The licensee concluded that the overlay repairs for the three defective welds are acceptable for five years. We have reviewed the licensee's analysis and agree with the conclusion regarding the acceptability of the overlay repairs based on the new code Section XI IWB-3600 evaluation.

The licensee also performed two other types of stress analyses on each of the three repaired welds, which are ASME Section III Code Stress analyses. The results of the licensee's analyses showed that all three overlay repaired welds will meet the ASME Section III Code requirements for at least a period of five years and provide a safety margin larger than that inherent in the code. The licensee also considered the shrinkage of weld overlay that will introduce an additional loading to the piping system. The subject shrinkage stress is small and is not expected to have any significant deleterious effect on the recirculation on RHR piping. We have reviewed Carolina Power & Light Company's submittals dated December 16, 1982 and May 16, 1983 regarding the actions taken or to be taken during this refueling outage and the description of the analyses and repairs of recirculation piping system welds in the Brunswick Unit 1 plant. We conclude that the Brunswick Unit 1 plant can be safely returned to power and operate in its present configuration for at least the next fuel cycle of operation.

III

Although the conservative calculations discussed above indicate that the cracks will not progress to the point of leakage during the next fuel

cycle, and very wide margins are expected to be maintained over crack growth which could compromise safety, uncertainties exist with regard to potential cracks in the welds that were not examined. Because of these uncertainties, we have required that monitoring in the containment building for unidentified leakage be modified to reflect new surveillance requirements; that plans for the inspection of piping during the next fuel cycle be submitted for staff review within thirty days of issuance of this order and that plans for inspection and/or modification of the recirculation and other reactor coolant pressure boundary piping systems during the next refueling outage be submitted for staff review at least three months before the start of the next refueling outage.

By letters dated June 24 and July 19, 1983 the licensee committed to improve leakage monitoring and early submittal of inspection and/or modification plans. Therefore, I have determined that the public health and safety requires that this commitment to improved leakage monitoring and early submittal of inspection and/or modification plans should be confirmed by an immediately effective Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o and 182 of the Atomic Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that:

1. The licensee shall operate the reactor in accordance with requirements on coolant leakage as follows:

(a) Reactor Coolant System leakage shall be demonstrated to be within the limits of Technical Specification 3.4.3.2 and item (b) below by monitoring the drywell drain sump flow rates at least once per 4 hours.

(b) Increases in unidentified leakage shall not exceed a 2 gallon per minute increase within any 24 hour period following the first 24 hours that the reactor is in operational condition one (1).

(c) Technical Specification 3.4.3.1 requires the primary containment atmospheric particulate radioactivity monitoring system to be operable in operational conditions 1, 2, or 3. With the primary containment atmospheric particulate radioactivity monitoring system inoperable, grab samples of the containment atmosphere shall be obtained and analyzed at least once per 8 hours.

2. Plans for an additional inspection of recirculation piping welds of 20-inch diameter, or larger during the outage planned between November 1983 and March 1984 shall be submitted for staff review within thirty (30) days of issuance of this Order.

3. Plans for corrective actions and/or modification (including replacement), of the recirculation and other reactor coolant pressure boundary piping systems during the next refueling outage shall be submitted for NRC review at least three months before the start of the next refueling outage.

4. The Director, Division of Licensing, may in writing relax or terminate any of the above provisions upon written request from the licensee, if the request is timely and provides good cause for the requested action.

V

The licensee may request a hearing within twenty (20) days of the date of publication of this Order in the **Federal Register.** Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address. A request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section IV of this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 22nd day of July, 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing Office of Nuclear Reactor Regulation.

[FR Doc. 83-20899 Filed 8-1-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

Applications, etc.; The Toledo Edison Co. and The Cleveland Electric Illuminating 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. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio.

In accordance with the licensees' application for amendment dated January 12, 1983, the amendment would add surveillance of certain special interest steam generator tubes and visual inspections of the internal auxiliary feedwater distributor, attachment welds, and thermal sleeves.

As a result of routine inspection of steam generator tubes during the 1982 refueling outage, the licensees discovered that the internal auxiliary feedwater distributors in both steam generators has become dislodged and were severely deformed. The licensees determined that the orginal design of the distributors was faulty and installed external headers with seven injection nozzles each to provide auxiliary feedwater distribution and retired the internal distributors from service. The damaged distributors were stabilized and secured in place because the construction features of the steam generator made removal extremely diffcult. These same construction features prevented full inspection of the internal distributors to determine if any weld cracking in critical areas was caused by the deformation, although enough of the distributor was inspectable to allow a determination that as long as no deterioration of the welds in the inspected areas occurred, the steam generators could be safely operated with the stabilized distributor in place.

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 is not likely to: (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.

On August 20, 1982, the Commission issued a Safety Evaluation Report which presented the results of the staff's review and evaluation of information submitted relative to the repair and

modification by the licensees. In that Safety Evaluation Report, the staff stated its conclusions that the modified auxiliary feedwater system and the stabilization of the internal auxiliary feedwater distributor were acceptable. The staff further concluded that the modifications did not involve a significant hazards consideration.

An important consideration in arrriving at these conclusions was that the stabilized internal auxiliary feedwater distributor, the attachment welds, and external header thermal sleeves would be inspected at certain specified intervals to confirm that no deterioration of the distributor structural welds or attachment welds had occurred and that the thermal sleeves have not developed cracks.

The licensee had committed to performing these inspection but had not yet submitted the proposed license amendment at the time the Safety Evaluation discussed above was issued. Therefore, the proposed amendment completes an action which was contemplated and considered previously by the Commission in concluding that no significant hazards consideration was involved. This proposed amendment constitutues an additional surveillance requirement not presently included in the Technical Specifications. It completes a commitment made by the licensee at the request of the Commission staff. This proposed amendment is similar to an example which the Commission has noted (48 FR 14870) is not likely to involve a significant hazards consideration and, therefore, the staff proposes to determine that the proposed surveillance requirement does not involves 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 September 2, 1983, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sougth to be litigated in the matter, and the bases for each contention set forth with reasonable sepcificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: 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 Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For futher details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Dated at Bethesda, Maryland, this 22nd day of July 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 83-20909 Filed 8-1-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295, 50-304; License No. DPR-39, DPR-48, EA 83-29]

Applications, etc.; Commonwealth Edison Co. (Zion Nuclear Power Station Units 1 and 2); Order Imposing Civil Monetary Penalty

I

Commonwealth Edison Company (the "licensee") is the holder of Operating Licenses No. DPR-39 and No. DPR-48 (the "licenses") issued by the Nuclear Regulatory Commission (the "Commission") which authorizes the licensee to operate the Zion Nuclear Power Station in Zion, Illinois, in accordance with conditions specified therein. License No. DPR-39 was issued on October 19, 1973 and License No. DPR-48 was issued on November 14, 1973.

II

As a result of a special safeguards inspection conducted on March 15, 1983, by the Nuclear Regulatory Commission's Region III Office, the NRC staff determined that the licensee did not adequately control access into the protected area and a vital area. In addition, the licensee failed to make a timely report of this event to the NRC. The NRC served on the licensee a written Notice of Violation and Proposed Imposition of Civil Penalty by letter dated May 3, 1983. The Notice stated the nature of the violations, the provisions of the Nuclear Regulatory Commission's requirements that were violated, and the amount of the civil penalty proposed. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty with a letter dated June 9, 1983.

III

Upon consideration of Commonwealth Edison Company's response and the statements of fact, explanation, and argument in denial or mitigation contained therein as set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalty proposed for the violation designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be imposed.

IV

In view of the foregoing, and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay a civil penalty of Ten Thousand Dollars within 30 days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555.

V

The licensee may, within 30 days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement. A copy of the hearing request shall also be sent to the Executive Legal Director, USNRC, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Should the licensee fail to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such a hearing shall be:

(a) Whether the licensee was in violation of the Commission's requirements as set forth in Item A of the Notice of Violation and Proposed Imposition of Civil Penalty referenced in Section II above, and

(b) Whether on the basis of such violation this Order should be sustained.

Dated at Bethesda, Maryland, this 26 day of July 1983.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 83-20900 Filed 8-1-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-213]

Applications, etc.; Connecticut Yankee Atomic Power Co.; Systematic Evaluation Program; Availability of the Final Integrated Plant Safety Assessment Report for the Haddam Neck Plant

The Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation (NRR) has published its Final Integrated Plant Safety Assessment Report (IPSAR) (NUREG-0826) related to the Connecticut Yankee Atomic Power Company's (licensee) Haddam Neck Plant located in Haddam, Connecticut.

The Systematic Evaluation Program (SEP) was initiated by the NRC to review the design of older operating nuclear reactor plants to reconfirm and document their safety. This report documents the review completed under the Systematic Evaluation Program for the Haddam Neck Plant. Areas in the report identified as requiring further analysis or evaluation and required modifications for which design descriptions have not yet been provided by the licensee to the NRC will be reviewed and supplements to the Final IPSAR will be issued addessing those items. The review provided for: (1) An assessment of the significance of differences between current technical positions on selected safety issues and those that existed when the Haddam Neck Plant was licensed, (2) a basis for deciding how these differences should be resolved in an integrated plant review, and (3) a documented evaluation of plant safety when all supplements to the IPSAR have been issued. The report also addresses comments and recommendations made by the Advisory Committee on Reactor Safeguards

(ACRS) in connection with its review of the Draft Report, issued in March 1983. These comments and recommendations, as contained in a report by the ACRS dated May 17, 1983, and the NRC staff's related responses are included in Appendix H of this report.

Pursuant to 10 CFR 50.71(e)(3)(ii), the licensee is required within 24 months after receipt of the letter dated July 20, 1983, from the Director of the Office of Nuclear Reactor Regulation to the licensee transmitting the Final IPSAR, to file a complete Final Safety Analysis Report (FSAR), which is up to date as of a maximum of six months prior to the date of filing the revision.

The final IPSAR is being made available at the NRC's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457 for inspection and copying. Copies of this Final Report (Document No. NUREG–0826) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5258 Port Royal Road, Springfield, Virginia 22161, and from the Sales Office, U.S. Nuclear Regulatory Commission, Director, Division of Technical Information and Document Control, Washington, D.C. 20555, Attention: Publications Unit.

Dated at Bethesda, Maryland, this 20th day of July, 1983.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-20901 Filed 8-1-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–409]

Applications, etc.; Dairyland Power Cooperative; Systematic Evaluation Program; Availability of the Final Integrated Plant Safety Assessment Report for the LaCrosse Boiling Water Reactor

The Nuclear Regulatory Commission (NRC) Office of Nuclear Reactor Regulation (NRR) has published its Final Integrated Plant Safety Assessment Report (IPSAR) (NUREG–0827) related to the Dairyland Power Cooperative's (licensee) LaCrosse Boiling Water Reactor located in Vernon County, Wisconsin.

The Systematic Evaluation Program (SEP) was initiated by the NRC to review the design of older operating nuclear reactor plants to reconfirm and document their safety. This report documents the review completed under the Systematic Evaluation Program for the LaCrosse Plant. Areas in the report identified as requiring further analysis or evaluation and required modifications for which design descriptions have not yet been provided by the licensee addressing those items. The review provided for: (1) An assessment of the significance of differences between current technical positions on selected safety issues and those that existed when the LaCrosse Plant was licensed, (2) a basis for deciding how these differences should be resolved in an integrated plant review, and (3) a documented evaluation of plant safety when all supplements to the IPSAR have been issued. The report also addresses comments and recommendations made by the Advisory Committee on Reactor Safeguards (ACRS) in connection with its review of the Draft Report, issued in April 1983. These comments and recommendations, as contained in a report by the ACRS dated May 17, 1983, and the NRC staff's related responses are included in Appendix H of this report.

Pursuant to 10 CFR 50.71(e)(3)(ii), the licensee is required within 24 months after receipt of the letter dated July 20, 1983, from the Director of the Office of Nuclear Reactor Regulation to the licensee transmitting the Final IPSAR, to file a complete Final Safety Analysis Report (FSAR), which is up to date as of a maximum of six months prior to the date of filing the revision.

The Final IPSAR is being made available at the NRC's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the LaCrosse Public Library, 800 Main Street, LaCrosse, Wisconsin 54601 for inspection and copying. Copies of this Final Report (Document No. NUREG–0827) may be purchased at current rates from the National Technical and Information Service, Department of Commerce, 5258 Port Royal Road, Springfield, Virginia 22161, and from the Sales Office, U.S. Nuclear Regulatory Commission, Director, Division of Technical Information and Document Control, Washington, D.C. 20555, Attention: Publications Unit.

Dated at Bethesda, Maryland, this 20th day of July, 1983.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-20900 Filed 8-1-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50–447]

Applications, etc.; General Electric Co.; General Electric Standard Safety Analysis Report (GESSAR II BWR/6 Nuclear Island Design) Issuance of Final Design Approval

Notice is hereby given that the staff of the Nuclear Regulatory Commission (NRC staff) has issued Final Design Approval No. FDA–1 dated July 27, 1983 for the BWR/6 Nuclear Island described in General Electric Standard Safety Analysis Report (GESSAR II). GESSAR II was reviewed by the NRC staff pursuant to Appendix O to 10 CFR Part 50.

GESSAR II contains final safety-related design information for the nuclear island portion of a BWR–6/Mark III containment boiling water reactor type nuclear power plant, which includes the nuclear steam supply system (NSSS), engineered safety systems, reactor building (including shield building and containment), auxiliary building, control building, radwaste building, fuel handling building, and related systems and structures. The BWR/6 Nuclear Island reference design is for a facility which would operate at a core thermal power level of 3730 megawatts (1269 megawatts electrical, nominal net).

The Safety Evaluation Report (SER) and Supplement 1 thereto document the results of the NRC staff's review and evaluation of GESSAR II, including Amendments 1 through 16 thereto. The SER also addresses the comments of the Advisory Committee on Reactor Safeguards (ACRS) as reflected in its report to the Commission dated June 15, 1983. A copy of the ACRS report is included in Appendix F to SER Supplement 1.

FDA–1 provides NRC staff approval of the final BWR/6 Nuclear Island design described in GESSAR II, including Amendments 1 through 16 thereto. By the issuance of FDA–1, the NRC staff has determined that the design is acceptable for referencing in utility applications for operating licenses for those plants that referenced the Preliminary Design Approval for the GESSAR–238 Nuclear Island Design (PDA–1) at the construction permit stage with the exception of those features of the design for which the staff has identified requirements that differ from those described in the GESSAR II document. These design features relate to fuel rod internal pressure and post accident monitoring instrumentation which are discussed in the SER and incorporated as conditions of FDA–1. These conditions must be satisfactorily

resolved prior to the NRC issuing an operating license to a facility referencing the GESSAR II design. The BWR/6 Nuclear Island design as described in GESSAR II, subject to the conditions of the FDA–1, shall be utilized by and relied upon by the NRC staff and the ACRS in their reviews of facility operating license applications incorporating by reference GESSAR II unless there exists significant new information which substantially affects the determinations in FDA–1 or other good cause.

Issuance of FDA–1 does not constitute a commitment to issue a permit or license, or in any way affect the authority of the Commission, Atomic Safety and Licensing Appeal Board, Atomic Safety and Licensing Boards and other presiding officers in any proceeding under Subpart G of 10 CFR Part 2. This action only approves the design of a facility for use for reference purposes in applications for operating licenses for nuclear power plants that referenced PDA–1 at the construction permit stage. It does not authorize the operation of any nuclear power plant or any other facility. The environmental impacts associated with any facility proposed to be operated utilizing the approved reference design will be considered in accordance with the Commission's regulations in 10 CFR Part 51.

FDA–1 is effective as of its date of issuance and shall expire on July 27, 1986 unless extended by the NRC staff. The expiration of FDA–1 on July 27, 1986, shall not affect its use for reference in operating license applications docketed prior to such date.

A copy of (1) Final Design Approval No. FDA–1 dated July ?, 1983 and Attachment A thereto; (2) the report of the Advisory Committee on Reactor Safeguards dated June 15, 1983; (3) the NRC staff's Safety Evaluation Report, NUREG–0979, dated April 1983; and Supplement 1 thereto dated July 1983, and (4) the General Electric Standard Safety Analysis Report GESSAR II and Amendments 1 through 16 are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555. A copy of FDA–1 and Attachment A thereto, may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of the Safety Evaluation Report and Supplement 1 thereto may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 27th day of July 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-20902 Filed 8-1-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–322; Construction Permit No. CPPR–95 EA 83–20]

Applications, etc.; Long Island Lighting Co. (Shoreham Nuclear Station); Order Imposing a Civil Monetary Penalty

I

Long Island Lighting Company, 175 East Old Country Road, Hicksville, New York, 11801 (the "licensee") is the holder of Construction Permit CPPR–95 issued by the Nuclear Regulatory Commission ("NRC" of "Commission") which authorizes the licensee to construct the Shoreham Nuclear Station in Suffolk County, New York. Ths Construction Permit was issued on April 14, 1973 and was due to expire on March 31, 1983. A request for an extension to December 31, 1983 was filed with the NRC by the licensee on February 25, 1983.

II

An inspection of the licensee's activities under the Construction Permit was conducted between November 30, 1982 and December 31, 1982 at the Shoreham Nuclear Station in Suffolk County, New York. As a result of the inspection, it appears that the licensee did not conduct its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the licnesee by letter dated April 12, 1983.

The Notice states the nature of the violation, the provision of the Nuclear Regulatory Commission requirements which the licensee had violated, and the amount of civil penalty proposed for the violation. The licensee responded with two letters dated May 12, 1983 to the Notice of Violation and Proposed Imposition of Civil Penalty.

III

Upon consideration of the answers received and the statements of fact, explanation, and argument for remission or mitigation of the proposed civil penalty contained therein, for the reasons set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement has determnined that the penalty proposed for the violation designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96–295) and 10 CFR 2.205, It is hereby ordered that:

The licensee pay a civil penalty in the amount of Forty Thousand Dollars ($40,000) within thirty days of the date of this Order, by check, draft or money order, payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

V

The licensee may within thirty days of the date of this Order request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, USNRC, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. If the licensee fails to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings; if payment has not been made by that time, the matter may be referred to the Attorney General for collection. In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee violated NRC requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty; and

(b) Whether, on the basis of such violation, this Order should be sustained.

Dated at Bethesda, Maryland, this 15th day of July, 1983.

For the Nuclear Regulatory Commission.

Richard C DeYoung,

Director, Office of Inspection and Enforcement.

Appendix—Evaluations and Conclusions

For the violation and associated civil penalty identified in the NRC's April 12, 1983 Notice of Violation and Proposed Imposition of Civil Penalty, the violation is restated, the licensee's response is summarized, and the NRC's evaluation and conclusion regarding the licensee's response are presented. The licensee's response was provided in two letters, both dated May 12, 1983, from William J. Museler, Director, Office of Nuclear, Long Island Lighting Company, to the Director, Office of Inspection and Enforcement. The NRC staff evaluations and

conclusions are based on the May 12, 1983 letters.

Statement of Violation

FSAR paragraph 17.2.11 and the LILCO Quality Assurance Manual, Section 11 which implement the requirments of 10 CFR 50, Appendix B, Criterion XI, requires that a test program be established to assure that all testing required to demonstrate that systems will perform satisfactorily in service is identified and performed in accordance with written test procedures, which incorporate the requirements and acceptance limits contained in applicable design documents. Test results shall also be documented and evaluated to assure that test requirements have been satisfied.

Shoreham FSAR paragraph 14.1.3.7.24, Test Method, Item 8, states that during the preoperational test program, the diesel generators shall be tested in accordance with paragraph C.2.a of Regulatory Guide 1.108, Rev. 1, which requires that the preoperational test program demonstrate the full-load-carrying capability of the diesel generators for 24 hours, of which 2 hours is at a load equivalent to the 2 hour rating of the diesel generator.

Specification SH1-89, Rev. 1, "Diesel Generator Sets," in Section 2, Design Data, Item 1.d specifies the 2-hour rating as 3,900 KW (kilowatts). PT.307.003B, "Emergency Diesel Generator 102 Electric Preop Test," paragraph 10.4, acceptance criteria, specifies the diesel generator be capable of carrying a rating of 3,900 KW for at least two hours. Paragraph 8.5.4 of Procedure PT 307.003B specifies running the diesel generator at a load between 3,850 and 3,900 KW for at least 2 hours. Data to demonstrate that the criteria are satisifed is logged every 15 minutes for 2 hours, resulting in nine readings.

FSAR paragraph 14.1.1.1 states that the Joint Test Group reviews and approves completed preoperational tests.

Contrary to the above, the test program, as implemented, did not assure that testing was performed, in accordance with procedures or that test requirements had been satisifed. On May 26, 1982, a preoperational test was performed to demonstrate the 2-hour rating of Diesel Generator 102. The results of this test were approved by the Joint Test Group on October 12, 1982 even though the test was not conducted in accordance with the test procedure requirements and the test results did not demonstrate this rating. Of the nine readings recorded at 15 minute intervals during the peformance of the test, all nine readings were below 3,900 KW and six of the readings were below 3,850 KW. Specifically, one reading was 3,500 KW, two readings were 3,700 KW, three readings were 3,800 KW and three readings were 3,850 KW.

This is a Severity Level III Violation (Supplement II). Civil Penalty—$40,000.

Summary of Licensee Response

By letter dated May 12, 1983, written pursuant to 10 CFR 2.201, the licensee admits that the statement of facts contained in the Notice of Violation is essentially correct. In another letter dated May 12, 1983, written pursuant to 10 CFR 2.205, the licensee requests reclassification of the violation at a lower severity level (IV or V), and also requests remission or mitigation of the proposed penalties.

The licensee contends that tests of the diesel generator confirm that the design safety requirements have been met and later tests reconfirm this. The licensee also indicates that two required reviews of the test results had not been completed at the time the violation was identified by the NRC, and no other examples of approval of unacceptable test results were disclosed during other NRC reviews or during an independent review by Torrey Pines Technology. For these reasons, the licensee contends that a lower severity level classification of the violation is appropriate and a civil penalty is not warranted for a violation at the lower severity level.

The licensee also states that if the NRC maintains, after review of the licensee response, that the severity level of the violation is appropriately classified at severity level III, then the proposed civil penalty should be reduced because of the licensee's unusually prompt and extensive corrective actions. The licensee indicates that these actions included establishment, prior to the identification of the violation by NRC, of a subcommittee of the Review of Operations committee to review test results prior to review by the Joint Test Group. The licensee also indicates that they responded to the NRC within three weeks after the NRC documented the violation in an inspection report, even though no response was required since a Notice of Violation did not accompany the inspection report.

NRC Evaluation of Licensee Response

After reviewing the licensee's response, the NRC staff has concluded the violation did occur and no mitigation of the civil penalty is warranted. The violation is appropriately classified at severity level III because approvals of test results, particularly by the Test Engineer and the Joint Test Group, when the results did not satisfy acceptance criteria is cause for significant concern. The Joint Test Group is the primary licensee group tasked with review and approval of preoperational test results. Assurance that design safety requirements are satisifed is not provided unless adequate tests are performed and properly evaluated, and also identified problems are appropriately dispositioned.

Inadequate review and approval of test results of a safety related system is cause for significant concern and constitutes a violation appropriately classified at severity level III, notwithstanding the fact that two specified reviews had not yet been performed at the time the violation was identified by the NRC, and notwithstanding the licensee's contention that these reviews would have identified the problem. It is not reasonable to assume, as the licensee contends, that further reviews would have identified this problem.

The staff has already considered the licensee's statement that strip chart recorder data was relied upon by the Test Engineer to accept the test results. The additional data utilized by the Test Engineer, namely strip charts, were not a part of the initial test package and were reviewed in response to NRC action. Although the licensee contends that the initial review was extensive, the results of the strip charts were not evaluated by the Joint Test Group prior to NRC identification of the violation. The substitution of other data for formally designated readings of record, without notation or comment in the test record, is a serious deviation from basic testing practice and test procedure requirements.

The staff does not consider the licensee's corrective actions unusually prompt and extensive, in that there was no licensee corrective action evident for about two weeks after the licensee was first informed of the violation by the NRC. Also, the licensee did not commit completely to reperform this preoperational test until requested to do so by the NRC in late March 1983. Therefore, no mitigation of the penalty is warranted.

NRC Conclusion

This violation did occur as originally stated and assessment of a $40,000 civil penalty for this violation is appropriate. The information in the licensee's response does not provide a basis for modifying the enforcement action because the licensee's corrective actions are not considered unusually prompt and extensive.

[FR Doc. 83-20906 Filed 8-1-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-443-OL, 50-444-OL (ASLBP No. 82-471-02-OL)]

Applications, etc.; Public Service Company of New Hampshire, et al. (Seabrook Station, Units 1 and 2); Amendment to Notice of Hearing on Issuance of Facility Operating License

July 27, 1983.

On July 11, 1983, the Atomic Safety and Licensing Board issued a Notice of Hearing on Issuance of Facility Operating License; this Notice was subsequently published in the **Federal Register** on July 15, 1983, 48 FR 32417 (1983). In the Notice, the Board stated that limited appearances would be entertained on Friday, August 26, from 2:30 p.m. to 5:30 p.m., at the Hampton Academy Junior High School, Hampton, NH. This facility, however, has since become unavailable. Accordingly, the Board will instead entertain limited appearances on Friday, August 26, from 2:30 p.m. to 5:30 p.m., at the Strafford County Superior Court, County Farm Road, Dover, NH. All other times and locations for hearing and limited appearance sessions remain unchanged.

Dated at Bethesda, Maryland, this 27th day of July, 1983.

For the Atomic Safety and Licensing Board.
Helen F. Hoyt,
Chairperson, Administrative Judge.
[FR Doc. 20907 Filed 8-1-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-312]

Applications, etc.; Sacramento Municipal Utility District (Rancho Seco Nuclear Generating Station); Exemption

I

Sacramento Municipal Utility District (the licensee) is the holder of Facility Operating License No. DPR-54 which authorizes the operation of the Rancho Seco Nuclear Generating Station (the facility) at steady-state power levels not in excess of 2772 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Sacramento County, California. The 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.

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 July 2, 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 December 15, 1982, 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 analyis is 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.

We believe that the ability of the operator to safely and successfully vent noncondensible gases 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 March 15, 1983, the licensee committed to participate in the B&W Owners Group Integral System Test program to demonstrate the efficacy 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 the end of 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 gases 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 had 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 25th day of July 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 83-20910 Filed 8-1-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-322]

Applications, etc.; Long Island Lighting Co. (Shoreham Nuclear Power Station); Order Extending Construction Completion Date

Long Island Lighting Company is the holder of Construction Permit No. CPPR-95, issued by the Atomic Energy Commission [1] on April 14, 1973, for construction of the Shoreham Nuclear Power Station. This facility is presently under construction at the applicant's site on the north shore of Long Island in the town of Brookhaven, Suffolk County, New York.

On February 25, 1983, the applicant requested an extension of the latest completion date because construction has been delayed by the following events beyond its control:

1. An overall increase in required material quantities and manhours to complete the project.

2. Expanded scope of Regulatory requirements existing in late 1980 and/or difficulties in completion of these existing Regulatory requirements.

3. New Regulatory Requirements (not known in late 1980).

4. Scope additions not due to Regulatory requirements.

5. Magnitude of System modifications (Regulatory and non-Regulatory).

6. Delays in the Startup Program.

7. Delays in material deliveries.

This action involves no significant hazards consideration; good cause has been shown for the delays; and the requested extension is for a reasonable period, the bases for which are set forth in the staff's evaluation of the request for extension.

The Commission has determined that this action will not result in any significant environmental impact and, 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.

The NRC staff evaluation of the request for extension of the construction permit is available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. 20555 and at the Shoreham-Wading River Public Library, Route 25A, Shoreham, New York 11786.

It is hereby ordered that the latest completion date for Construction Permit No. CPPR-95 is extended from March 31, 1983, to December 31, 1983.

For the Nuclear Regulatory Commission
Date of Issuance: July 22, 1983.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-20908 Filed 8-1-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Applications, etc.; Iowa Electric Light and Power Company, Central Iowa Power Cooperative, Corn Belt Power Cooperative (Duane Arnold Energy Center); Revision to Order Dated March 14, 1983

I

The Iowa Electric Light and Power Company, et al, (the licensee) is the holder of Facility Operating License No. DPR-49 which authorizes the operation of the Duane Arnold Energy Center (the facility) at steady-state power levels not in excess of 1658 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Linn County, Iowa.

II

On March 14, 1983, the Commission issued an Order, published in the **Federal Register** on April 5, 1983 (48 FR 14870), confirming licensee commitments to take actions on post-TMI requirements proposed in NUREG-0737, "Clarification of TMI Action Plan Requirements." Subsequent to the issuance of the Order, it has come to the attention of the staff that Item II.E.4.2.7, Containment Isolation Dependability, was inadvertently identified as a completed item in Attachment 1 to the March 14 Order. The item should not have been so identified. The Order should also have reflected that 10 rather than 11 of the 20 items addressed were considered by the licensee to be completed or to require no modification. By letter dated April 14, 1982, the licensee had identified Item. II.E.4.2.7 as one under challenge by the BWR Owners Group to which the licensee took technical exception. The staff did not intend this issue to be addressed by the March 14 Order. Further, the March 14 Order should have referenced additional letters submitted by the licensee in response to Generic Letters 82-05 and 82-10. These submittals provided the Commission with information concerning the licensee's commitments which form the basis for the March 14 Order.

III

Accordingly, Attachment 1 of the Order is revised to reflect that item II.E.4.2.7 is not part of the Confirmatory Order, and specific actions to implement this item are not required of the licensee at this time. In addition, the requirements of the March 14 Order are to be read in light of the licensee's responses to Generic Letters 82-05 and 82-10, as provided in letters dated April 14, 1982, June 14 and 16, 1982, August 17, 1982, October 18, 1982, and November 5 and 18, 1982.

IV

The Order of March 14, 1983, as revised herein, remains in effect in accordance with its terms.

Dated at Bethesda, Maryland, this 27th day of July, 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

---

[1] Effective January 19, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day were continued under the Authority of the Nuclear Regulatory Commission.

ATTACHMENT 1.—LICENSEE'S COMMITMENTS ON APPLICABLE NUREG-0737 ITEMS FROM GENERIC LETTER 82-05

Item	Title	NUREG-0737 schedule	Requirement	Licensee's completion schedule (or status)
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.	Prior to Cycle 7 Start-up.
II.B.3	Post-Accident Sampling	do	Install upgraded post-accident sampling capability	Prior to Cycle 7 Start-up.
II.B.4	Training for Mitigating Core Damage	Oct. 1, 1981	Complete training program	Complete.
II.E.4.2	Containment Isolation Dependability.	July 1, 1981	Part 5-lower containment pressure setpoint to level compatible w/normal operation.	Complete.
		do	Part 7-isolate purge & vent valves on radiation signal	Technical Exception.[1]
II.F.1	Accident Monitoring	Jan. 1, 1982	(1) Install noble gas effluent monitors	Prior to Cycle 7 Start-up.
		do	(2) Provide capability for effluent monitoring of iodine	Prior to Cycle 7 Start-up.
		do	(3) Install incontainment radiation-level monitors	Prior to Cycle 7 Start-up.
II.F.1		Jan. 1, 1982	(4) Provide continuous indication of containment pressure.	Prior to Cycle 7 Start-up.
		do	(5) Provide continuous indication of containment water level.	Prior to Cycle 7 Start-up.
		do	(6) Provide continuous indication of hydrogen concentration in containment.	Complete.
II.K.3.15	Isolation of HPCI & RCIC Modification.	July 1, 1981	Modify pipe break detection logic to prevent inadvertent isolation.	Do.
II.K.3.22	RCIC Suction	Jan. 1, 1982	Modify design of RCIC suction to provide automatic transfer to torus.	Do.
II.K.3.24	Space Cooling for HPCI/RCIC	do	Confirm the adequacy of space cooling for HPCI/RCIC	Do.
II.K.3.27	Common reference level	July 1, 1981	Provide common reference level of vessel level instrumentation	Prior to Cycle 7 Start-up.

[1] Not part of Confirmatory Order.

[FR Doc. 83-20998 Filed 8-1-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-272 and 50-311]

Public Service Electric and Gas Co.; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operations License Nos. DPR-70 and DPR-75, issued to Public Service Electric and Gas Company, for operation of the Salem Nuclear Generating Station, Unit Nos. 1 and 2, located in Salem County, New Jersey.

The amendments would modify plant systems and Technical Specifications to provide for semi-automatic switchover of safety injection systems from the Refueling Water Storage Tank (RWST) to Recirculation Mode following a loss-of-coolant accident in accordance with the licensee's application for amendments dated January 27, 1983.

Before issuance of the proposed license amendments the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendments request involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facilities in accordance with the proposed amendments would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

This change provides a method to automatically transfer residual heat removal (RHR) pump suction from the RWST to the containment sump in the event of a concurrent safety injection and RWST low level and were submitted to resolve a prior commitment to the staff. The automation of a number of steps in the switchover sequence eliminates the remote manual manipulation of six ECCS valves and the stopping and restarting of the RHR pumps. This feature of the design eliminates the possibility of operator error for those steps which are being automated in the switchover sequence, and further, will save both time and RWST volume thus increasing the safety margin of all the ECCS pump suctions and conserving RWST volume. On this basis, the staff proposed 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, Attention: Docketing and Service Branch.

By September 2, 1983, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facilities operating licenses 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 of each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments 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 amendments request involve no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments involve a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

Normally, the Commission will not issue the amendments 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 facilities, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to 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** notices. 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 Conner and Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, Washington, D.C. 20006, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer of the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factor specified in 10 CFR 2.714(a)(1)(k)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendments which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Salem Free Library, 112 West Broadway, Salem, New Jersey 08079.

Dated at Bethesda, Maryland, this 27th day of July 1983.

For the Nuclear Regulatory Commission.

Daniel G. McDonald,

Acting Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-20008 Filed 8-1-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Change of Agenda

The agenda for the August 4–6, 1983 meeting of the Advisory Committee on Reactor Safeguards has been changed as follows:

Severe Accident Policy (Open)—The Committee will discuss SECY 82-1B, the proposed NRC Severe Accident Policy Statement *from 6:00 p.m. to 6:30 p.m. on Friday, August 5* instead of from 2:00 p.m. to 3:00 p.m. on Saturday, August 6.

Notices of this meeting were published in the **Federal Register** on July 20 and July 25, 1983.

All other items remain the same as previously published.

Dated: July 29, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-21003 Filed 8-1-83; 9:51 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

National Eligibility Committee for the Combined Federal Campaign; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Director of the Office of Personnel Management announces the following meeting:

Name: National Eligibility Committee for the Combined Federal Campaign

Date and time: August 31, 1983, at 10:00 a.m.

Place: The OPM Auditorium (Room GJ-14, on the Ground Floor), U.S. Office of Personnel Management, 1900 E Street NW., Washington, D.C.

Type of meeting: Open. Interested persons may submit written statements with the Committee in advance of or at the start of the meeting. Written statements submitted in advance of the meeting may be addressed to the Committee in the care of the Secretary of the Committee, whose name and address are set forth in this Notice under the heading, "Contact Person." Written statements submitted at the start of the meeting may be filed with the Committee at the place of the meeting. Oral comments will not be

permitted at the meeting, except with the leave of the Chairman or a majority of the Committee. In the event that leave is given for oral comment, no person will be permitted to make an oral statement at the meeting unless such person (1) has advised the Secretary of the Committee in writing at least 48 hours in advance of the meeting that the person wishes to be heard at the meeting (clearly specifying the matter on which the person wishes to be heard); (2) has submitted a written statement relating to the matter on which such person wishes to be heard; and (3) wishes to be heard on a matter that is contested by or before the Committee. Persons, if any, given leave to make oral comments shall each be confined in their oral comments to five (5) minutes.

Contact person: Ronald E. Brooks, Secretary of the National Eligibility Committee for the Combined Federal Campaign, Office of the Assistant to the Deputy Director for Regional Operations, Room 5532, U.S. Office of Personnel Management, 1900 E Street NW., Washington, D.C. 20415, telephone 202-632-5544.

Purpose of meeting: The Committee will meet to consider applications of organizations seeking to participate in the Combined Federal Campaign as federated and national voluntary health and welfare agencies, with fund raising privileges within the Federal service, in accordance with Executive Order No. 12353 (March 23, 1982), as amended by Executive Order No. 12404 (February 10, 1983), and regulations promulgated thereunder, and to determine recommendations on such applications to be made to the Director of the Office of Personnel Management.

Donald J. Devine,

Director, Office of Personnel Management.

[FR Doc. 83-21019 Filed 8-1-83; 8:55 am]

BILLING CODE 6325-01-M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Requests for Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan; James River-Dixie/Northern, Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of Exemption.

SUMMARY: The Pension Benefit Guaranty Corporation has granted James River-Dixie/Northern, Inc. an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended. A notice of the request for exemption from this requirement was published on March 9, 1983 (48 FR 9977). The effect of this notice is to advise the public of the decision on the exemption request.

ADDRESSES: The request for an exemption, the comments received and the PBGC response to the request are available for public inspection at the PBGC Public Affairs Office, Suite 7100, 2020 K Street, NW., Washington, D.C. 20006, between the hours of 9:00 a.m. and 4:00 p.m. A copy of these documents may be obtained by mail from the PBGC Disclosure Officer (160) at the above address.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006; (202) 254-4862.

SUPPLEMENTARY INFORMATION:

Background

Section 4204(a)(1) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. 1384, provides that the sale of assets of an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B). Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets (29 CFR, Part 2643), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it:

(1) would more effectively or equitably carry out the purpose of Title IV of the Act; and

(2) would not significantly increase the risk of financial loss to the plan.

The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions.

ERISA section 4204(c) and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or an exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

Decision

On March 9, 1983 (48 FR 9977), the PBGC published a notice of the pendency of a request from James River-Dixie/Northern, Inc. ("James River-Dixie") for an exemption from the bond/escrow requirement of ERISA section 4204 (a)(1)(B), in connection with the May 6, 1982 purchase by James River-Dixie and its parent corporation, James River Corporation of Virginia ("James River Corp."), of certain assets of the American Can Company ("American Can").

In connection with this sale, James River-Dixie has assumed the responsibilities of American Can under collective bargaining agreements with the United Paperworkers International Union, International Brotherhood of Electrical Workers, and International Brotherhood of Teamsters. The following chart lists the two multiemployer plans for which an exemption is requested, the estimated amount of American Can's withdrawal liability and the estimated amount of the bond/escrow that would be required under ERISA section 4204(a)(1)(B) with respect to each such plan:

Plan	Estimate of seller's liability	Amount of bond/escrow
Paper Industry-Union Management Pension Fund ("Paper Industry Fund")	$1,922,300	[1] $2,663,000
Central States, Southeast and Southwest Areas Pension Fund ("Central States Fund")	424,989	[2] 20,858
Total	2,347,289	2,683,858

[1] The amount represents the annual contribution required to be made by American Can to the Paper Industry Fund for plan year 1981.

[2] The amount represents the average annual contribution that American Can made to the Central States Fund for the three plan years preceding the plan year in which the sale occurred.

According to its audited consolidated financial statements, James River Corp. and its subsidiaries has total net assets for its fiscal year ended April 25, 1982 of approximately $170 million, and an average net income after taxes for its fiscal years 1980-1982 of about $20.2 million.

PBGC received two comments in response to the request. The Central States Fund indicated that it neither supported nor opposed the request for an exemption by James River-Dixie. The Paper Industry Fund objected to the exemption on the basis that the Fund trustees believe that "as fiduciaries it is their obligation, other than in extraordinary circumstances not

necessarily present in this case, to secure for the Fund all the protection afforded by ERISA, including the posting of the buyer's bond described in section 4204(a)(1)(B)."

In two prior exemption cases, PBGC considered a similar plan objection. *Johanna Farms, Inc. et al.*, 48 FR 10781 (Mar. 14, 1983); *Kohlberg, Kravis, Roberts and Co.*, 47 FR 40261 (Sept. 13, 1982). In objecting to the exemption request, the plan trustees in *Johanna Farms* stated that they felt it was their responsibility to take every reasonable action to preserve the financial integrity of the plan, which included registering opposition to exemptions from the bond/escrow requirement. In that decision, PBGC pointed out that under ERISA section 4204(c) and § 2643.3(a) of the regulation, the pertinent standard for PBGC's determination is the risk of financial loss to the plan. Thus, the focus of the inquiry is on the financial condition of the purchaser, and an exemption will be granted when the purchaser is capable of meeting its obligations to the plan or plans at the time of the sale.

Therefore, PBGC has reviewed the exemption request by James River-Dixie on the basis of the purchaser's ability to meet its obligations to the plans involved in this request. Based on the facts of this case and the representations and statements made in connection with the request for exemption, PBGC has determined that an exemption from the bond/escrow requirement is warranted, in that it would more effectively carry out the purposes of Title IV of ERISA and would not significantly increase the risk of financial loss to the affected plans. Therefore, PBGC hereby grants the request by James River-Dixie for an exemption from the bond-escrow requirement. The granting of an exemption or variance from the bond/escrow requirement of section 4204(a)(1)(B) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1). The determination of whether the transaction satisfies such other requirements is a determination to be made by the plan sponsor.

Issued at Washington, D.C. on this 27th day of July, 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-20881 Filed 8-1-83; 8:45 am]

BILLING CODE 7708-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review.

ACTION: Notice of Reporting Requirements Submitted for OMB Review

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that the agency has made such a submission.

DATE: Comments must be received on or before August 30, 1983. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the agency clearance officer of your intent as early as possible.

Copies: Copies of the proposed forms, the request for clearance (S.F. 83), supporting statement, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the item listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653-8538.

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395-4814.

Forms Submitted for Review

Title: SBA Contract Requirements.
Frequency: On occasion, monthly and quarterly.
Description of Respondents: Vendors interested in obtaining government contracts.
Annual Response: 7,983.
Annual Burden Hours: 48,693.
Type of Request: New.

Title: SBA Grants Management Program Applications.
Form Nos.: SBA 1222, 1223, 1224.
Frequency: On Occasion.
Description of Respondents: Applicants seeking federal assistance towards grant programs funded by SBA.
Annual Response: 100.
Annual Burden Hours: 4,016.
Type of Request: New.

Dated: July 26, 1983.

Richard Vizachero, Jr.,

Acting Chief, Paperwork Management Branch Small Business Administration.

[FR Doc. 83-20861 Filed 8-1-83; 8:45 am]

BILLING CODE 8025-01-M

Presidential Advisory Committee on Small and Minority Business Ownership; Public Meeting

The Presidential Advisory Committee on Small and Minority Business Ownership, located in Washington, D.C., will hold a public meeting at 2:00 p.m. until 5:00 p.m., Thursday, August 4, 1983, at the Small Business Administration, Administrator's Conference Room, 10th Floor, 1441 L Street, NW., Washington, D.C. 20416, to discuss such business as may be presented by the Committee members. The meeting will be open to the interested public, however, space is limited.

Persons wishing to present written statements should notify Mr. Milton Wilson, Jr., Office of Capital Ownership Development, Small Business Administration, Room 602, 1441 L Street, NW., Washington, D.C. 20416, (202) 653-6526, in writing or by telephone no later than August 2, 1983.

Dated: July 25, 1983.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 83-20883 Filed 8-1-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 83-476]

Appointments of Individuals To Serve as Members of the Performance Review Board; Senior Executive Service

The Civil Service Reform Act of 1978, 5 U.S.C. 4314(c)(4), requires that the appointments and changes in the membership of performance review boards be published in the **Federal Register**. Therefore, in compliance with this requirement, notice is hereby given that the individuals whose names and position titles appear below have been appointed to serve as members of the performance review board for the Bureau of Alcohol, Tobacco and Firearms (ATF) for the rating year beginning July 1, 1982, and ending June 30, 1983. This notice effects changes in the membership of the ATF Performance

Review Board previously appointed July 20, 1981 (46 FR 39926).

Name and Title

David Q. Bates—Deputy Assistant Secretary (Operations), Department of the Treasury
Robert E. Powis—Deputy Assistant Secretary (Enforcement), Department of the Treasury
John W. Mangels—Director, Office of Operations, Department of the Treasury
Charles C. Hackett, Jr.—Assistant Commissioner, Office of Internal Affairs, U.S. Custom Service
Marvin J. Dessler—Chief Counsel, ATF
Barbara P. Pomeroy—Assistanct Director (Administration), ATF
Phillip C. McGuire— Assistant Director (Criminal Enforcement), ATF
Francis S. Kenney—Assistant Director (Internal Affairs), ATF
William T. Drake—Assistant Director (Regulatory Enforcement), ATF
Michael Hoffman—Assistant Director (Technical and Scientific Services), ATF

For Further Information Contact:
Daniel F. O'Leary, Personnel Division, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, (202–566–7321).

Signed: July 27, 1983.

Stephen E. Higgins,

Director.

[FR Doc. 83-20878 Filed 8-1-83; 8:45 am]

BILLING CODE 4810-31-M

Office of the Secretary

Performance Review Board

AGENCY: Office of the Secretary, Treasury.

ACTION: This is a new publication of the Office of the Secretary Performance Review Board (PRB), cancelling the publication of December 14, 1982, Volume 47 FR 56094; in accordance with 5 U.S.C. 4313(c)(4).

SCOPE: This notice applies to all components within the Office of the Secretary, except the Legal Division.

PURPOSE: The purpose of the Board is to review performance appraisals, ratings, recommendations for performance awards, and other personnel actions, and to make recommendations to the Deputy Secretary, who is the appointing authority.

COMPOSITION OF PRB: Each session of the Performance Review Board will be attended by the Chairperson or her designee and at least two of the members listed below. The Board will be composed of more than 50 percent career appointees in cases involving the appraisal of an SES career appointee. The names and titles of the RRB members are as follows:

Cora P. Beebe, Chairperson, Assistant Secretary (Administration)
George Astengo, Deputy Assistant Secretary (Administration)
Edward W. Brooks, Director, Office of Administrative Programs
David S. Burckman, Director of Personnel
John Garmat, Director, Office of Management and Organization
Diane C. Herrmann, Director, Office of Equal Opportunity Program
Arthur D. Kallen, Director, Office of Budget and Program Analysis
Paul T. Weiss, Deputy Director of Personnel
Marc E. Leland, Assistant Secretary (International Affairs)
John M. Gaaserud, Senior Policy Advisor (Economic Analysis)
Charles Schotta, Deputy Assistant Secretary (Arabian Peninsula Affairs)
Francis X. Cavanaugh, Director, Office of Government Finance and Market Analysis
Robert W. Rafuse, Jr., Deputy Assistant Secretary (State and Local Finance)
John E. Chapoton, Assistant Secretary (Tax Policy)
J. Gregory Ballentine, Deputy Assistant Secretary (Tax Analysis)
John G. Wilkins, Director, Office of Tax Analysis
Manuel H. Johnson, Jr., Assistant Secretary (Economic Policy)
John H. Auten, Director, Office of Financial Analysis
Carole J. Dineen, Fiscal Assistant Secretary
Gerald Murphy, Deputy Fiscal Assistant Secretary
John A. Kilcoyne, Assistant Fiscal Assistant Secretary (Banking)
John M. Walker, Assistant Secretary (Enforcement and Operations)
Paul K. Trause, Inspector General
Bruce E. Thompson, Jr., Assistant Secretary (Public Liaison and Consumer Affairs)
Roy G. Hale, Deputy Treasurer of the United States

FOR FURTHER INFORMATION CONTACT: Charlene J. Robinson, Executive Secretary, PRB, Room 1306, Main Treasury Building, 15th & Pennsylvania Avenue, NW., Washington, D.C. 20220, Telephone: (202) 566–5468.

This notice does not meet the Department's criteria for significant regulations.

George Astengo,

Acting Assistant Secretary (Administration)

[FR Doc. 83-20875 Filed 8-1-83; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

On July 28, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 "I" Street, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545–0121
Form Number: 1116 & Sch A
Title: Foreign Tax Credit—Individual, Fiduciary, or Non-resident Alien Individual and Schedule of Foreign Taxable Income and Foreign Taxes Paid or Accrued

OMB Number: New (Existing Regulation)
Form Number: None
Title: Information from Employee Plans by Administrators for Qualified Plans

OMB Number: 1545–0226
Form Number: 6249
Title: Computation of Overpaid Windfall Profit Tax

OMB Number: 1545–0123
Form Number: 1120
Title: U.S. Corp Income Tax Return, Capital Gains and Losses, Comp of U.S. Pers. Holding Co. Tax

OMB Number: 1545–0139
Form Number: 2106
Title: Employee Business Expenses

OMB Number: 1545–0096
Form Number: 1042 & 1042S
Title: Annual Return of Income Tax to be Paid at Source

OMB Number: 1545–0215
Form Number: 5712
Title: Election to be Treated as a Possessions Corporation

OMB Number: 1545–0580
Form Number: 3911

Title: Taxpayer Statement Regarding Refund

OMB Number: 1545-0645
Form Number: 6793
Title: Safe Harbor Lease Information Return
OMB Reviewer: Norman Frumkin (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

U.S. Customs Service

OMB Number: 1515-0004
Form Number: 7505
Title: Duty Paid Warehouse Withdrawal for Consumption/Permit

Bureau of Government Financial Operations

OMB Number: 1510-0035
Form Number: None
Title: BGFO Assignment Form
OMB Reviewer: Judy McIntosh (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 28, 1983
[FR Doc. 83-20876 Filed 8-1-83; 8:45 am]
BILLING CODE 4810-25-M

Advisory Committee to the National Center for State and Local Law Enforcement Training; Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776, 5 U.S.C. App. I, Supp. II), and with the concurrence of the Office of Management and Budget, the Assistant Secretary, Enforcement and Operations, has determined that establishment of the Treasury Advisory Committee on State and Local Law Enforcement Training is in the public interest in connection with the performance of duties imposed on the Department of Treasury.

The overall objective of the Advisory Committee is to assist the Department of Treasury in developing and expanding specialized training for state and local law enforcement personnel. The scope of the Advisory Committee's work includes: needs assessment, curriculum recommendations, resource identification, and program marketing.

The Advisory Committee will consist of seventeen members covering a wide range of experience in the field of law enforcement. Members will be appointed by the Assistant Secretary, Enforcement and Operations.

The Advisory Committee will function solely as an advisory body in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act 15 days from the date of the publication notice.

Interested persons are invited to submit comments regarding the establishment of the Advisory Committee and its areas of concern to Mr. John Dooher, Treasury Advisory Committee on State and Local Law Enforcement Training, Room 4211 Federal Building, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20226, (202) 566-2951.

John M. Walker, Jr.,
Assistant Secretary, Enforcement and Operations.

[FR Doc. 83-20887 Filed 8-1-83; 8:45 am]
BILLING CODE 4810-25-M

[Dept. Circ. Public Debt Series—No. 24-83]

Treasury Bonds of 2008-2013

July 28, 1983.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $4,000,000,000 of United States securities, designated Treasury Bonds of 2008-2013 (CUSIP No. 912810 DF 2). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated August 15, 1983, and will bear interest from that date, payable on a semiannual basis on February 15, 1984, and each subsequent 6 months on August 15 and February 15 until the principal becomes payable. They will mature on August 15, 2013, but may be redeemed at the option of the United States on and after August 15, 2008, in whole or in part, at par and accrued interest on any interest payment date or dates, on 4 months' notice of call given in such manner as the Secretary of the Treasury shall prescribe. In case of partial call, the securities to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. Interest on the securities called for redemption shall cease on the date of redemption specified in the notice of call. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Thursday, August 4, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, August 3, 1983, and received no later than Monday, August 15, 1983.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g.,

7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 92.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, August 15, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, August 11, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-20967 Filed 7-29-83; 1:38 pm]

BILLING CODE 4810-40-M

[Dept. Circ. Public Debt Series—No. 22-83]

Treasury Notes of August 15, 1986; Series N-1986

July 28, 1983.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $6,500,000,000 of United States securities, designated Treasury Notes of August 15, 1986, Series N-1986 (CUSIP No. 912827 PU 0). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated August 15, 1983, and will bear interest from that date, payable on a semiannual basis on February 15, 1984, and each subsequent 6 months on August 15 and February 15 until the principal becomes payable. They will mature August 15, 1986, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, August 2, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, August 1, 1983, and received no later than Monday, August 15, 1983.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified

only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, August 15, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, August 11, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-20965 Filed 7-29-83; 1:38 pm]

BILLING CODE 4810-40-M

[Dept. Circ. Public Debt Series—No. 23-83]

Treasury Notes of August 15, 1983; Series C-1993

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $5,250,000,000 of United States securities, designated Treasury Notes of August 15, 1993, Series C-1993 (CUSIP No. 912827 PV 8). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated August 15, 1983, and will bear interest from that date, payable on a semiannual basis on February 15, 1984, and each subsequent 6 months on August 15 and February 15 until the principal becomes payable. They will mature August 15, 1993, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in

effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, August 3, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, August 2, 1983, and received no later than Monday, August 15, 1983.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 97.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calulations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, August 15, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, August 11, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, as cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt.

Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-20966 Filed 7-29-83; 1:36 pm]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 149
Tuesday, August 2, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL AERONAUTICS BOARD

[M-385 (amdt 2) 7/27/83]

Notice of deletion of item and addition and closure of item at the July 27, 1983 meeting.

TIME AND DATE: 9:30 a.m., July 27, 1983.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW, Washington, D.C. 20428.

SUBJECT:

22. Applications of Sterling Airways A/S and A/S Conair for statements of authorization, to conduct a series of Scandinavian-originating IT charters between Scandinavia and points in Florida, between October, 1983 andApril, 1984. (BIA)

28. Discussion on United Kingdom. (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, *The Secretary*. (202) 673-5063.

[S-1109-83 Filed 7-29-83; 3:35 pm]
BILLING CODE 6320-01-M

2

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Monday, August 8, 1983.

PLACE: 20th Street and Constitution Avenue, Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Consideration of procedures for collateralizing Federal Reserve notes.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward for a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: July 29, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. S-1104-83 Filed 7-29-83; 11:58 am]
BILLING CODE 6210-01-M

3

NATIONAL TRANSPORTATION SAFETY BOARD

[NM 83-171]

TIME AND DATE: 9 a.m., Tuesday, August 9, 1983.

PLACE: NTSB Board Room, 8th Floor, 800 Independence Ave., S.W., Washington, D.C. 20594.

STATUS: The first item will be open to the public; the remaining items will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report*—Illinois Central Gulf Railroad Company Freight Train Derailment, Fort Knox, Kentucky, March 22, 1983 and *Recommendations.*

2. *Opinion and Order:* Administrator v. Fincher, Docket SE-5611; disposition of the Administrator's appeal.

3. *Order on Petitions for Reconsideration:* Application of Catskill Airways, Inc., Stephen C., Low, and Granville C. Bentley for attorney fees and other expenses, NTSB No. 2-EAJA: disposition of petitions for reconsideration filed by Catskill Airways and the Administrator.

4. *Order Denying Reconsideration:* Petition of Bellenger, Docket SM-2928; denial of the Administrator's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming (202) 382-6525.

July 29, 1983.

[S-1106-83 Filed 7-29-83; 1:10 pm]
BILLING CODE 4910-58-M

4

NUCLEAR REGULATORY COMMISSION

DATE: Week of August 1, 1983 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED:

Monday, August 1:

2:00 p.m.

Discussion of Budget (Public Meeting) (Tentative) (As Announced)

Tuesday, August 2:

3:00 p.m.

Briefing on Integrated Scheduling Concept-Duane-Arnold (Public Meeting) (Time Change)

Wednesday, August 3:

2:00 p.m.

Brief on Amendments to 10 CFR 50 Related to ATWS Events (Public Meeting) (As Announced)

Thursday, August 4:

10:00 p.m.

Briefing by Ad Hoc Committee on Their Fourth Report: Administrative Reform Proposals (Public Meeting) (As Announced)

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting) (Items Revised)

a. Dismissal of Self-Powered Lighting Proceeding

b. Review of ALAB-724 (*postponed* from July 28)

ADDITIONAL INFORMATION: On July 28 the Commission voted 3-0 (Commissioner Gilinsky not present) to hold Affirmation of Uranium Mill Tailings Regulations; Suspension of Selected Provisions held that day.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Jone C. Hoyle (202) 634-1410

John C. Hoyle,

Office of the Secretary.

[FR Doc. S-1108-83 Filed 7-29-83; 3:34 pm]
BILLING CODE 7590-01-M

5

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

AGENCY HOLDING THE MEETING: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Government in the Sunshine Act (5 U.S.C. 552b).

STATUS: Open.

TIME AND DATE: 1:30 p.m., August 9, 1983, 8:30 a.m.,August 10, 1983.

PLACE: Town Plaza Motor Inn, North 7th Street & E. Yakima Avenue, Yakima, Washington.

MATTERS TO BE CONSIDERED:

Yakima Fish Passage Facilities.
Coordination Between Fish Agencies and Tribes.
Other Business Related to Fish and Wildlife Program.
Council Business.
Public Comment.

FOR FURTHER INFORMATION CONTACT: Ms. Bess Wong, (503) 222-5161.

Edward Sheets,

Executive Director.

[FR Doc. S-1107-83 Filed 7-29-83; 2:39 pm]

BILLING CODE 0000-00-M

6

SECURITIES AND EXCHANGE COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (48 FR 33964/July 26, 1983).

STATUS: Closed/open meeting.

PLACE: 450 5th Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, July 22, 1983.

CHANGE IN THE MEETING: Additional items/meeting.

The following additional items will be considered at a closed meeting scheduled for Thursday, July 28, 1983, following the 9:00 a.m. open meeting.

Settlement of administrative proceeding of an enforcement nature.
Institution of injunctive actions.
Order compelling testimony.
Access to investigative files by Federal, States, or Self-Regulatory authorities.

The following item will be considered at an open meeting scheduled for Thursday, August 4, 1983, at 10:00 a.m.

Consideration of whether to issue final rules regarding accounting for and disclosures related to costs of internal development of computer software to be sold, leased, or otherwise marketed. For further information, please contact Robert K. Herdman at (202) 272-2130.

Chairman Shad, Commissioners Evans, Thomas and Longstreth determined that Commission business required the above changes that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272-2092.

July 28, 1983.

[S-1108-83 Filed 7-29-83; 12:19 pm]

BILLING CODE 8010-01-M

Reader Aids

Federal Register

Vol. 48, No. 149

Tuesday, August 2, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-4534
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235

United States Government Manual 523-5230

SERVICES

Agency services	523-5237
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, AUGUST

34723-34928 1
34929-35068 2

CFR PARTS AFFECTED DURING AUGUST

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Executive Orders:
12435 34723
12436 34931

Proclamations:
5078 34929

5 CFR

950 34910

7 CFR

1430 ..... 34725, 34933

9 CFR

78 34943

10 CFR

Proposed Rules:
Ch. I 34966
430 34858

12 CFR

220 34944
303 34945

13 CFR

Proposed Rules:
121 34966

14 CFR

39 34731

16 CFR

Proposed Rules:
13 34764

17 CFR

3 34732
140 34945

Proposed Rules:
145 34971
146 34971
147 34971

18 CFR

157 ..... 34872, 34875
284 34875
410 34946

19 CFR

12 34734
127 34734

20 CFR

Proposed Rules:
652 ..... 34866, 34974
653 34866

21 CFR

74 34946
436 34947
522 34947
558 ..... 34948, 34949

Proposed Rules:
184 34974

23 CFR

Proposed Rules:
771 33894

24 CFR

203 34949
235 34949

29 CFR

1952 ..... 34950, 34951

Proposed Rules:
1697 34766

32 CFR

263 34952

Proposed Rules:
65 34974

33 CFR

154 34740

Proposed Rules:
110 34767

34 CFR

200 34953

36 CFR

223 34740

37 CFR

Proposed Rules:
1 34836

38 CFR

Proposed Rules:
21 34975

40 CFR

271 ..... 34742, 34954

Proposed Rules:
Ch. II 34768
52 34976
62 34978
302 34979

42 CFR

Proposed Rules:
405 34979
421 34979

43 CFR

Public Land Orders:
6448 34743
6449 34743

44 CFR

64 ..... 34744, 34957

47 CFR

2 34746
15 34748
21 34746
73 ..... 34753-34757, 34959
74 34746
83 34961
90 34961
97 34746

Proposed Rules:

68 34985
73 34772-34779
76 34986
90 ..... 34782, 34987

49 CFR

Proposed Rules:

571 ..... 34783, 34784
662 34894

50 CFR

17 ..... 34757, 34961
611 ..... 34762, 34962
650 34762
651 34762
652 34762
654 34762
655 34762
662 34963
663 ..... 34762, 34763
671 34762
672 34762
674 ..... 34762, 34965
675 34762

Proposed Rules:

32 34987

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

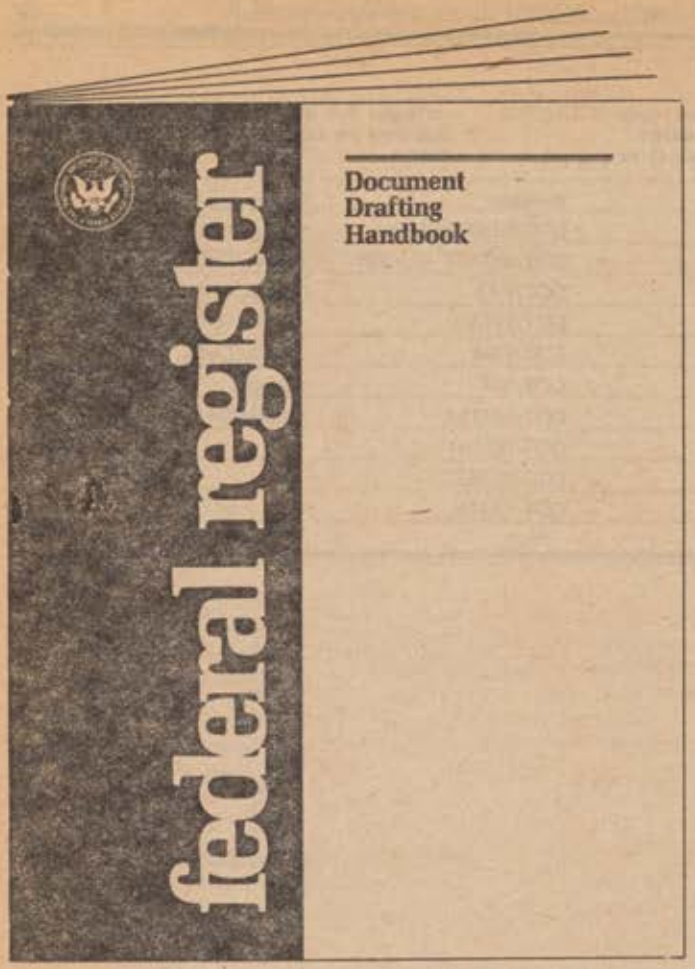
Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Note: **The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.**

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing August 1, 1983



Federal Register Document Drafting Handbook

A Handbook for Regulation Drafters

This handbook is designed to help Federal agencies prepare documents for publication in the Federal Register. The updated requirements in the handbook reflect recent changes in regulatory development procedures, document format, and printing technology.

Price $5.00

Order Form

Mail To: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $ _____ ☐ check, ☐ money order, or charge to my Deposit Account No.

☐☐☐☐☐☐☐–☐

Order No._____

MasterCard and VISA accepted.

Credit Card Orders Only

Total charges $_____ Fill in the boxes below.

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me ____ copies of the DOCUMENT DRAFTING HANDBOOK at $5.00 per copy. Stock No. 022-001-00088-4.

PLEASE PRINT OR TYPE

Company or Personal Name

Additional address/attention line

Street address

City State ZIP Code

(or Country)

For Office Use Only

Quantity	Charges
_____ Publications	_____
_____ Subscription	_____
Special Shipping Charges	_____
International Handling	_____
Special Charges	_____
OPNR	_____
_____ UPNS	
_____ Balance Due	
_____ Discount	
_____ Refund	

882