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federal register

Tuesday
August 9, 1983

Selected Subjects

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Selected Subjects

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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.

Federal Register
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Presidential Documents

Title 3—

The President

Proclamation 5080 of August 5, 1983

National Child Support Enforcement Month, 1983

By the President of the United States of America

A Proclamation

More than 15 million children are living in families where the father is absent, and nearly one-third of those are living in poverty. More than half the families who should receive court-ordered child support do not receive full payment, thus depriving children of billions of dollars in support each year. In some cases, these unfortunate children are left without the necessities of life.

The American people willingly extend help to children in need, including those whose parents are failing to meet their responsibilities. However, it is our obligation to make every effort to place the financial responsibility where it rightly belongs—on the parent who has been legally ordered to support his child.

For several years, the Federal government has worked with the States to recover child support payments from non-custodial parents. Collections for these children have improved dramatically in recent years, enabling thousands of families to leave the public assistance rolls. Nonetheless, we must work even harder to ensure that all American children are provided the financial support they deserve and to support enforcement personnel, judicial officials, and the legal community in alleviating this problem.

The Congress, by Senate Joint Resolution 56, has designated the month of August 1983 as National Child Support Enforcement Month and has authorized and requested the President to issue a proclamation in observance of that month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of August 1983 as National Child Support Enforcement Month, and I call upon all government agencies and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of August, 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. 83-21871
Filed 8-8-83; 10:43 am]
Billing code 3195-01-M

Editorial Note: For the President's remarks of Aug. 5, 1983, on signing Proclamation 5080, see the *Weekly Compilation of Presidential Documents* (vol. 19, no. 31).

Rules and Regulations

Federal Register
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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 231

Arrival-Departure Manifests and Lists; Supporting Documents; Correction

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on elimination of certain manifest requirements for carriers transporting aliens that was published on May 13, 1983 (48 FR 21548). This action is necessary to make an editorial correction to 8 CFR 231.1(a) without changing the substance of the paragraph.

EFFECTIVE DATE: August 9, 1983.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone (202) 633-3048.

SUPPLEMENTARY INFORMATION: This order makes a technical correction to 8 CFR 231.1(a). In paragraph (a), the phrase in the 17th line is revised to read "aircraft vessel," replacing "aircraft or vessel." The conjunction "or" was inadvertently omitted in the original text which appeared in 48 FR 21548 on May 13, 1983.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the correction in this order is merely technical in nature.

This order is not a rule within the meaning of 5 U.S.C. 601(2) since it is merely a technical correction and the Regulatory Flexibility Act does not apply.

This rule is not a rule within the meaning of Section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 231

Air carriers, Aliens, Maritime carriers.

PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

Accordingly, § 231.1, paragraph (a) published on May 13, 1983, (48 FR 21548) is corrected to read as follows:

§231.1 Arrival manifest for passengers.

(a) *Requirement of manifest.* The master, captain, or agent of every vessel or aircraft arriving in the United States from a foreign place or outlying possession of the United States shall present an arrival manifest to the immigration officer at the port of entry. The manifest must be in the form of a separate Arrival/Departure Record, Form I-94, prepared on board for each passenger except: United States citizens, lawful permanent resident aliens of the United States, and immigrants to the United States. In addition, a properly completed Aircraft/Vessel Report, Form I-92, must be submitted for each arriving aircraft or vessel which is transporting passengers. Manifests are not required by vessels or aircraft arriving directly from Canada on a trip originating in that country or arriving in the Virgin Islands of the United States directly from a trip originating in the British Virgin Islands.

* * * * *

(Secs. 103, 231 of the I & N Act, as amended; 8 U.S.C. 1103, 1221)

Dated: August 1, 1983.

Andrew J. Carmichael, Jr.,
Associate Commissioner, Examinations Immigration and Naturalization Service.

[FR Doc. 83-21484 Filed 8-8-83; 8:45 am]
BILLING CODE 4410-10-M

CIVIL AERONAUTICS BOARD

14 CFR Part 252

[Economic Regulations Amdt. 2 to Part 252; Docket No. 29044]

Smoking Aboard Aircraft

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB republishes the requirement that airlines ensure that if a no-smoking section is placed between two smoking sections, the nonsmokers are not unreasonably burdened. This action is required by the United States Court of Appeals for the District of Columbia.

DATES:

Adopted: July 27, 1983.
Effective: September 9, 1983.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: In 1973, in response to a petition from Ralph Nader, the Board issued 14 CFR Part 252 regulating smoking aboard aircraft. This rule required airlines to provide a separate section for nonsmokers. In 1979, the Board amended this rule. ER-1091, 44 FR 5071, January 25, 1979. This added several provisions to the rule, one of which specified that:

> Carriers shall ensure that nonsmoking passengers are not unreasonably burdened by breathing smoke and to that end shall provide at a minimum:
>
> * * * * *
>
> (e) Special provisions to ensure that if a nonsmoking section is placed between smoking sections, the nonsmoking passengers are not unreasonably burdened.

In 1981, the Board reviewed its entire smoking rule and, in ER-1245, 46 FR 45934, September 16, 1981, issued a new rule that did not contain the provision set forth above. In *Action on Smoking and Health v. Civil Aeronautics Board*, 699 F.2d 1217 (D.C. Cir. 1983), however, the Court "vacated" the rescission of this provision on the grounds that the Board had not provided an adequate explanation for its action.

By ER-1245A, 48 FR 24866, June 3, 1983, the Board affirmed its earlier decision not to include the "unreasonably burdened" provision in the new rule and provided the missing explanation. In the Board's judgment, the provision was "too vague to be effectively enforced and merely serves to create confusion over exactly which airline practices are prohibited."

The Court, however, vacated this action. *Action on Smoking and Health v. CAB*, No. 79-1044 (Order of June 30, 1983). It explained that the effect of vacating the rescission of the provision in question was to vacate the entire rulemaking on this issue, so that the Board could revoke this provision only

after publishing a new notice of proposed rulemaking. The Court therefore ordered the Board "to republish the 'unreasonably burdened' language of ER-1091 until such provision may be amended or revoked by proper rulemaking proceedings . . ." This notice complies with that court order by republishing this language.

The provision is republished in exactly the same form, except that the paragraph designations have been changed and the introductory clause in the opening paragraph that was added by ER-1245 remains.

Since this provision is being republished at the order of the Court, the Board finds that notice and public procedure thereon are unnecessary.

List of Subjects in 14 CFR Part 252

Air carriers, Consumer protection, Smoking.

PART 252—[AMENDED]

Accordingly, the Board amends 14 CFR Part 252, *Smoking Aboard Aircraft*, as follows:

1. The authority for Part 252 is:

Authority: Secs. 204, 404, 407, and 416, Pub. L. 85-726, as amended, 72 Stat. 743, 760, 766, 771, 49 U.S.C. 1324, 1374, 1377, 1386.

2. Section 252.2 is amended by revising paragraph (a) introductory text and adding a new paragraph (a)(4) so that it reads as follows:

§ 252.2 No-smoking sections.

(a) Except as provided by paragraph (b) of this section, air carriers shall ensure that nonsmoking passengers are not unreasonably burdened by breathing smoke and to that end shall provide at a minimum:

* * * * *

(4) Special provisions to ensure that if a no-smoking section is placed between smoking sections, the nonsmoking passengers are not unreasonably burdened.

* * * * *

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-21671 Filed 8-8-83; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 398

[Policy Statements Amdt. No. 3 to Part 398 Docket No. 40620]

Guidelines for Individual Determinations of Essential Air Transportation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB modifies its essential air service guidelines to clarify its policy on overflights of small communities. Airlines are prohibited from overflying eligible points unless the overflight is necessary due to circumstances beyond the airlines' control or other flights provide essential air service.

DATES:

Adopted: July 14, 1983.

Effective: September 9, 1983.

FOR FURTHER INFORMATION CONTACT: William C. Boyd, Chief, Essential Air Services Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5408.

SUPPLEMENTARY INFORMATION: Section 419 of the Federal Aviation Act provides that small communities that are eligible points will receive essential air transportation at levels to be determined by the Board. Guidelines and procedures for determining essential air service levels are set forth at 14 CFR Part 325 and Part 398. Service may not be suspended to an eligible point unless a carrier fulfills the notice requirements of sections 419(a)(3) or (b)(7) of the Act and 14 CFR Part 323, and another carrier is designated to provide the affected service.

Some carriers designated to provide essential air service have engaged in the practice of overflying an eligible point when it appears that no person wishes to enplane there and no passengers on the aircraft seek to deplane. The Board addressed this problem with respect to subsidized air carriers in Order 81-12-103, declaring that absent circumstances beyond the carrier's control, overflights of eligible points cannot be considered part of the essential air service to be provided for purposes of section 419 of the Act, and carriers cannot receive subsidy for flights where they have overflown the point in question. To address the general question of whether overflights should be permitted by either subsidized or non-subsidized carriers in essential air service markets, the Board issued a notice of proposed rulemaking in PSDR-77, 47 FR 21270, May 18, 1982. The Board tentatively concluded in PSDR-77 that the pratice of overflights was contrary to the principles of essential air service for small communities, and should only be permitted under limited circumstances.

Seven comments were filed in response to the notice by: the Commonwealth of Virginia Department of Transportation, New York State Department of Transportation, Illinois Department of Transportation, State of Maine Department of Transportation, the Regional Airline Association, Royal Hawaiian Air Service, and Republic Airlines, as well as one comment from an individual.

The New York Department of Transportation supported the proposed rule, and stated that guidelines on overflights would ensure that eligible communities receive the air service to which they are entitled. The Commonwealth of Virginia Department of Transportation also supported the rule and urged its adoption, agreeing with the Board on the importance of section 102(a)(8) of the Act, 49 U.S.C. 1302(a)(8), which stresses "continuous scheduled airline service for small communities". Otherwise, it noted, the public perception of essential air service to small communities may be that such service is either unavailable or so irregular as to be unreliable. The State of Maine urged adoption of the rule, citing the importance of dependable local air service.

Two commenters, the Illinois Department of Transportation and Republic Airlines, viewed the language in the proposed rule as overly broad, though in different respects. The Illinois Department of Transportation (IDOT) supported the concept of a rule on overflights, but believed that the rule as proposed would create the very elements of unpredictability and confusion that it is intended to eliminate. To that end, IDOT suggested expanding the scope of the rulemaking to further limit carrier discretion to elect overflights on certain days. In IDOT's view, the rule as proposed condoned, by implication, a practice of overflights whenever there are too few passengers, with or without reservations, waiting for a flight, especially if the carrier is unsubsidized and operation of a particular flight would otherwise be unprofitable.

Republic said the overflight policy as proposed was too broad because it would prohibit true "flag-stop" flights. Under a flag-stop rule, Republic claimed, even passengers without reservations who appear for flights are entitled to service. Republic suggested that flag-stop service be permitted for all carriers, and that the language formerly included in local service carrier certificates should be added as part of the final rule. That language reads:

> The holder is authorized to render flag-stop service by omitting the physical landing of its aircraft at any point scheduled to be served on a particular flight: *Provided*, That there are no persons, property, or mail on the aircraft destined for that point, and no traffic

available at the point for the flight at the scheduled departure time.

Republic believed that a flag-stop exemption would be practical, providing an incentive for carriers to continue some service to small communities, rather than completely withdrawing from a community because service requirements were unreasonable. Republic also contended that carriers did not abuse this privilege in the past, and would not do so now. Republic claimed that the Board has declared flag-stop service to be the equivalent of scheduled service, citing Order 81-8-79 as support for this assertion. Further, Republic argued, passenger confidence in the reliability of scheduled service would not diminish under a flag-stop rule, or cause them to choose other methods of transportation which might lead to greater deterioration of small community air service and increased subsidy costs, since any traffic that showed up for a flight would be entitled to service. In Republic's opinion, the proposed rule would be onerous to both the carriers and the communities if carriers were not permitted to conserve their resources whenever possible and avoid needless and wasteful stops where no traffic sought to board or deplane. By contrast, with flag-stop service, communities might have better, more frequent, and possibly longer-term service.

The Regional Airline Association (RAA) opposed the proposed rule, citing interference with the scheduling flexibility of regional and commuter air carriers that provide essential air service, along with an increase in operating costs without compensation from the Board. RAA believed that there are at least three situations where overflights are justified: a flight is fully occupied, with no passengers seeking to deplane or board at a point; no passengers check in at a point by the scheduled departure time; and the flight in question is an extra section. From RAA's perspective, any point that generates so little traffic that scheduled service becomes essentially an on-demand operation should either be declared ineligible for essential air service or be subsidized by the Board. For these reasons, RAA said the Board's concerns about reliability were unwarranted and unduly expensive to small operators. Should carriers consistently engage in overflights for monetary reasons when passengers seek to board, RAA suggested, the practice could be the basis for an enforcement action. RAA suggested that if the Board adopted this rule, its applicability should be limited to subsidized points.

The one comment filed by an individual argued that adoption of this rule would be inconsistent with the goals of deregulation, and that overflights should be permitted whenever there is no traffic at a point.

Royal Hawaiian Air Service requested that the Board include Hawaii in the exception set forth in subsection (e) of the proposed new § 398.10. In support, Royal Hawaiian stated that certain unique circumstances exist in Hawaii that the Board recognized by a policy statement included in Order 79-10-3, October 1, 1979, and that severe economic consequences may result if the overflight option is eliminated. That order set out essential air service determinations for three points in Hawaii, Hana, Kamuela, and Lanai.

Without the assurance of regularly scheduled air transportation, the ability of small communities to generate passenger traffic would be undermined, since the reality of on-demand service is often drastically different from the concept. As a practical matter, passengers would have to notify air carriers of their intent to travel in advance, because routings between small communities are frequently indirect and communications equipment aboard aircraft too unsophisticated to make the determination from the air of whether or not any passengers are ready to board at a particular point. Potential passengers are often unable to make travel arrangements in advance; they may be travelling on short notice because of pressing business or family matters. As some state commenters noted, the mere public perception that air transportation is irregular or unreliable is often sufficient to discourage use of air service, and result in residents of the area opting to use some other form of transportation. Passengers that live in communities guaranteed essential air service should be able to appear at the airport without a reservation, purchase a ticket, and board the flight, provided seats are available. The potential for abuse by air carriers is too great for the Board to sanction on-demand service in EAS markets. There would be economic incentives under such a scheme for overflying a point not only when no one wanted board, but when so few people wanted to board that the fares would not cover the landing fees and other expenses incurred from making the stop. Accordingly, we will not adopt the proposals of the Regional Airline Association that the rule not apply when a flight is full or when no passengers have checked in by the scheduled departure time.

Republic also suggested that the Board sanction flag-stop service at EAS points. Before deregulation, the Board permitted flag-stop service only in limited instances. At present, flag-stop service is authorized for some essential air service points in Alaska and Hawaii. Order 81-8-79, cited by Republic as support for its argument that the Board equates flag-stop service with scheduled service, amended the certificates for several airlines and the EAS determination for Tatitlek, Alaska. The EAS definition in section 419(f) of the Federal Aviation Act, 49 U.S.C. 1389(f), contains special provisions for the State of Alaska that are inapplicable to the lower 48 States. Therefore, Republic's argument that the Board has already declared flag-stop service to be equal to scheduled service is without merit.

With respect to extra sections of scheduled flighs to EAS points, the Board agrees with RAA that extra sections should not be considered part of the service guaranteed to community, and this rule will not be construed to apply under that circumstance.

For similar reasons, the Board rejects the proposal of the Regional Airline Association to limit this rule, if adopted, to subsidized carriers. Such a qualification could undermined the ability of the Board to ensure that EAS markets receive regularly scheduled service even if provided by a carrier that the Board is holding in those markets under section 419(a)(6).

This rule permits overflights by unsubsidized carriers if another carrier's flights meet the service requirements set forth in the Board's essential air transportation determination for that point. Overflights are also permitted if the carrier has already satisfied those requirements through the other flights that it offers at a point. Overflights would be permitted if there were circumstances beyond the carrier's control such as bad weather or mechanical problems.

As a practical matter, overflights are more likely to be a problem for points that receive service from subsidized carriers, because traffic levels are more likely to be low enough that a carrier will want to overfly for economic reasons.

Contrary to the assertion of IDOT, It is not the intention of this rule to give carriers unrestricted discretion to overfly eligible points. The purpose of this rule is merely to state explicitly when and overflight violates the essential air service guarantees of section 419 of the Act and Part 398 of the Board's rules, not to declare a general policy on overflights. Overflights in

situations where essential service is not involved can be dealt with under other sections of the Act, such as section 411, where necessary.

The Board has also decided that the State of Hawaii will not be added to the exemption language in subsection (e) of this rule, as requested by Royal Hawaiian Air Service. Royal Hawaiian is correct in stating that flag-stop service for Hana, Kamuela, and Lanai, Hawaii is permissible under the present EAS definition, but that definition is being reviewed by the Board's staff. Until a new definition is issued for these points, the addition of an exemption for the State of Hawaii is premature.

Final Regulatory Flexibility Analysis

In PSDR-77, The Board concluded that this rule, if adopted, might have a significant economic on some small air carriers and small communities. The number of small air carriers that would be affected is unclear, because it is difficult to determine how many small air carriers would overfly eligible points in the absence of this rule. Small air carriers that now engage in overflights would be affected adversely under this rule, while small communities would benefit from the increased reliability of their air service.

The Federal Aviation Act's Declaration of Policy states that the Board shall consider scheduled air service to small communities as being in the public interest. Some small carriers have engaged in the practice of overflying small communities that have been promised a certain level of regularly scheduled air service. This rule is designed to prohibit that practice, since the only alternative, permitting overflights, could result in the deterioration of air service at some small communities. This rule will not add any reporting or recordkeeping requirements.

List of Subjects In 14 CFR Part 398

Air transportation, Essential air service.

PART 398—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 398, *Guidelines for Individual Determinations of Essential Air Transportation*, as follows:

1. The authority for 14 CFR Part 398 is:

Authority: Secs. 204, 419, Pub. L. 85-726, as amended, 72 Stat 743, 92 Stat. 1732, 49 U.S.C. 1324, 1389.

2. The Table of Contents is amended by adding a new § 398.10, to read:

Sec.

* * * * *

398.10 Overflights.

3. A new § 398.10 is added to read:

§ 398.10 Overflights.

The Borad considers it a violation of section 419 of the Act and the air service guarantees provided under this part for an air carrier providing essential air transportation to an eligible point to overfly that point, except under one of the following circumstances:

(a) The carrier is providing by its other flights the service required by the Board's essential air transportation determination for that point;

(b) The carrier is not compensated for serving that point and another carrier is providing by its flights the service required by the Board's essential air transportation determination for that point;

(c) Circumstances beyond its control prevent the air carrier from landing at the eligible point;

(d) The flight involved is not in a market where the Board has determined air transportation to be essential; or

(e) The eligible point involved is a point in Alaska for which the Board's essential air transportation determination permits the overflight.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-21672 Filed 8-8-83; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 455

Trade Regulation Rule Concerning Sale of Used Motor Vehicles

AGENCY: Federal Trade Commission.

ACTION: Used Car Rule; effective date.

SUMMARY: The concurrent resolution disapproving the Used Car Rule was held unconstitutional by the Supreme Court on July 6, 1983, *U.S. Senate* v. *FTC*, S. Ct. No. 82-395; *U.S. House of Representatives* v. *FTC*, S. Ct. No. 1044. In light of that action, the Commission has set an effective date for the Used Car Rule, to be 6 months following entry of judgment by the United States Court of Appeals for the Second Circuit, disposing of the reinstated petitions for review in *Miller Motor Car Corp., et al.* v. *FTC*, 2d Cir. Nos. 81-4144 etc.

DATE: Effective six months after entry of a judgment by the court of appeals.

FOR FURTHER INFORMATION CONTACT: Chris Brewster, Federal Trade Commission, 6th Street and Pennsylvania Ave. N.W., Washington, D.C. 20580, (202) 523-1642.

SUPPLEMENTARY INFORMATION: On June 27, 1982, the Commission voted to take under consideration, in accordance with § 21(c) of the FTC Improvements Act of 1980, 15 U.S.C. 57a-1(c) (Supp. IV 1980), the Used Car Rule, which it had promulgated on August 14, 1981 (46 FR 41328; August 14, 1981 and 46 FR 43364; August 27, 1981), and which was disapproved by both Houses of Congress pursuant to § 21 of the FTC Improvements Act of 1980, *supra*. The concurrent resolution disapproving the rule was held unconstitutional by the Supreme Court on July 6, 1983, *U.S. Senate* v. *FTC*, S. Ct. No. 82-935; *U.S. House of Representatives* v. *FTC*, S. Ct. No. 1044. Accordingly, the Commission must now set a new effective date for the rule.

The Commission notes that judicial review of the Used Car Rule, pending in the United States Court of Appeals for the Second Circuit, was terminated because of the legislative veto, subject, however, to reinstatement 20 days after "any decision of the Supreme Court of the United States that has the effect of invalidating Senate Concurrent Resolution 60 [the resolution enacted by Congress on May 26, 1982, disapproving the Used Car Rule]." *Miller Motor Car Corp., et al.* v. *FTC*, 2d Cir. No. 81-4144. On July 26, 1983, the lawsuit challenging the Used Car Rule was duly reinstated. The Commission has determined that the Used Car Rule shall become effective six months after entry of a judgment by the court of appeals disposing of the reinstated petitions for review in *Miller Motor Car Corp., supra*.

The Commission has further determined to re-examine the Used Car Rule in accordance with the provisions of § 18 of the FTC Act, to determine whether modifications are appropriate. To this end, the Bureau of Consumer Protection is directed to prepare an advance notice of proposed rulemaking looking to modifications and improvement of the Rule. If the Commission subsequently determines to proceed further, the effective date of the existing Used Car Rule may be further extended to permit reconsideration under the requirement of section 18.

By direction of the Commission. Commissioners Pertschuk and Bailey dissent from the Commission's decision to re-examine the Used Car Rule.

Separate Statement of Commissioner Clanton

Given the Supreme Court's decision declaring the legislative veto unconstitutional, the Commission is now

legally free to set an effective date for the Used Car Rule and let the appellate process take its course. I, of course, voted to issue this rule and supported it during the ensuing congressional debate. And, without a proper record basis, I am not prepared at this time to recommend that the rule be revised or terminated.

I strongly believe, however, that the Commission should not simply ignore the overwhelming vote of disapproval registered by Congress on this subject last year, even if that action turned out to be constitutionally infirm. Obviously, the Commission cannot (nor should it) promulgate rules or undo those rules merely because of shifts in congressional sentiment. Clearly, the judicial decision involving DOT's attempted repeal of the airbag rule demonstrates that administrative rulemaking decisions cannot be aribitrary. They must be based on solid factual, legal or policy support.

The Commission is not proposing to repeal or revise the rule now. It is not in a position to do so. What the Commission is in a position to do, and what I firmly believe it should do, is take another look at the record evidence and arguments in support of the current rule. Given the substantive criticism expressed in the congressional debates and the additional passage of time since the rule was promulgated, it is not only reasonable but highly desirable for the Commission to at least review this matter.

Separate Statement of Commissioner Michael Pertschuk

The significant decision being announced here by the Commission is *not*—as the Summary would suggest—the setting of an effective date for the Used Car Rule. Instead, it is the "re-opening" of the record for further consideration of some undefined modifications for some indefinite period of time.

The effect of reopening will certainly be to substantially delay, if not kill altogether, the version of the Used Car Rule passed by a unanimous Commission in August 1981. The present Commission has taken this action without a mote of evidence that there have been any changed conditions in the used car industry that might make such reconsideration appropriate.

I support the Commission's decision to set an effective date for this rule, but I vigorously dissent from the Commission's decision to reopen the rule.

Emily H. Rock,

Secretary.

Dissenting Statement of Commissioner Patricia P. Bailey on the Commission's Decision to Reopen the Used Car Rule Proceeding

July 25, 1983.

On July 6, 1983, the Supreme Court affirmed the decision of the D.C. Court of Appeals ruling unconstitutional the legislative veto of the Used Car Rule. As a result of that ruling, the Federal Trade Commission today determined to set an effective date for the rule and to submit the rule to OMB for review under the Paperwork Reduction Act. I support these decisions.

I oppose, however, the Commission's determination to reconsider the rule. There are no new facts or changed circumstances of which I am aware that could form the basis for a reversal of the decision I made two years ago that this rule is the least burdensome, minimally necessary regulation justified by the record of this proceeding. In reaching this conclusion, I am also cognizant of the principles recently enunciated by the Supreme Court in a similar case involving the NHTSA airbag regulation, *Motor Vehicle Manufacturers Association of the United States, Inc. et al.* v. *State Farm Mutual Automobile Insurance Co. et al.*, S. Ct. No. 82-354 (June 24, 1983). Under the standards contained in that opinion, I believe that I am unable—for policy, legal and factual reasons—to reconsider my vote to promulgate the Used Car Rule by initiating new proceedings.

[FR Doc. 83-21643 Filed 8-8-83; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC-13406; File No. S7-962]

Exemptive Relief for Separate Accounts To Impose A Deferred Sales Load And To Deduct In Certain Instances a Non-Prorated Annual Fee for Administrative Services

AGENCY: Securities and Exchange Commission.

ACTION: Final rule and rule amendments.

SUMMARY: The Commission is adopting one of a series of proposals that would provide exemptive relief for registered insurance company separate accounts and related persons from various provisions of the Investment Company Act of 1940 with respect to variable annuity contracts participating in such accounts. The rule would codify the standards that the Commission has developed in processing individual applications filed by such persons seeking exemptive relief to the extent necessary to permit them to impose a deferred sales load on such contracts. The rule would also provide such persons with exemptive relief to permit them to deduct from the value of any contract, upon total redemption of the contract prior to year end, the full annual fee for administrative services that otherwise would have been deducted at that time. In both cases the rule will eliminate the need for such persons to file individual applications and obtain individual orders in connection with these matters. The Commission also is adopting related amendments to one of the general rules under the Act, one of which adds a definition of the term "variable annuity contract."

EFFECTIVE DATE: August 9, 1983.

FOR FURTHER INFORMATION CONTACT: Thomas P. Lemke, Special Counsel (202) 272-2061, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission") today is adopting rule 6c-8 under the Investment Company Act of 1940 [15 U.S.C. 80a-1 et seq.] ("Act"), one of a series of proposals intended to codify existing standards that the Commission has developed in connection with certain types of exemptive applications filed by registered insurance company separate accounts (sometimes referred to as "separate accounts" or "applicants") [1] that offer or sell variable annuity contracts. The exemptions will also be available for any depositor of or underwriter for such accounts ("related persons"). Rule 6c-8 will codify the standards that the Commission has developed with respect to applications filed by separate accounts and related persons seeking exemptive relief from various provisions of the Act to the extent necessary to permit them to impose a deferred sales load on variable annuity contracts participating in such accounts. The rule also will provide relief to the extent necessary to permit separate accounts and related persons to deduct from the value of any variable annuity contract, upon total redemption of the contract prior to year end, the full annual fee for administrative services that otherwise would have been deducted at that time. The rule is one of several rules which the Commission has proposed to codify the standards developed in connection with certain types of applications filed by separate accounts for so-called "start-up" exemptive relief [2] and for other relief

[1] Section 2(a)(37) of the Act [15 U.S.C. 80a-2(a)(37)] defines "separate account." A substantially identical definition of "separate account," as that term is used in various rules and regulations under the Act, is contained in rule 0-1(e)(1) under the Act [17 CFR 270.0-1(e)(1)]. The term "insurance company" is defined in section 2(a)(17) of the Act [15 U.S.C. 80a-2(a)(17)].

[2] For a variety of reasons, separate accounts must obtain so-called "start-up" exemptive relief from various provisions of the Act prior to offering their variable annuity contracts to the public.

under the Act.[3] Finally, the Commission also is adopting related amendments to rule 0-1(e) [17 CFR 270.0-1(e)] of its General Rules and Regulations under the Act, one of which includes a definition of the term "variable annuity contract." The background and reasons for the proposals are set forth in Investment Company Act Release No. 13048 (February 28, 1983) [48 FR 9532, March 7, 1983].

Discussion

In response to its request for comments, the Commission received one comment. The commentator urged adoption of rule 6c-8 as proposed, and the Commission has determined to adopt the rule without change.

The commentator also suggested three changes in the definition of the term "variable annuity contract" that the Commission proposed to adopt as part of the related amendments to rule 0-1(e) under the Act. First, the commentator suggested that the Commission add the phrase "unit of interest" to the list of items included within the definition of the term in order to incorporate existing usage of the term.[4] Second, the commentator suggested that the Commission substitute the term "investment experience" for the phrase "income, gains, and losses" used in the proposed definition, noting that the suggested alternative language comports with the definition of variable annuity used in the National Association of Insurance Commission's Model Variable Annuity Regulation. The Commission agrees with both of these suggestions and they have been incorporated into the final definition.

Third, the commentator suggested deletion of the phrase "any portion thereof" from the definition which, the comentor stated, refers to the variable portion of a combination fixed and variable annuity contract. In its place, the commentator suggested the insertion of an additional sentence expressly stating that a variable annuity contract does not include that portion of a contract which does not vary according to the investment experience of a separate account, asserting that this approach reflects current Commission and staff interpretation. The Commission has determined not to make this suggested change. It believes that the suggested restrictive sentence is unnecessary in this case because the definition already makes clear that the term includes only those types of annuity interests pursuant to which the value of the contract varies according to the investment experience of a separate account.

In the proposing release the Commission requested comments on whether, and under what conditions, the proposed rule should be expanded to provide deferred sales load relief for securities of investment companies that are not separate accounts. No comments were received. Accordingly, since there are a number of issues that must be resolved before the rule could be so expanded, the Commission believes it would be appropriate to adopt the rule as proposed and consider periodically whether it is desirable and feasible to amend the rule to provide deferred sales load relief for investment companies that are not separate accounts.

Finally, the Commission wishes to point out that the rule provides relief only for the deduction of an amount upon redemption or annuitization that in fact is a "sales load." Thus, the rule does not provide relief for the deduction of an amount denominated as a deferred sales load where the facts and circumstances indicate that the deduction is not intended to compensate the issuer for the expenses of distributing the contracts but rather is intended to achieve some other purpose, for example, to deter or restrict redemptions.

List of Subjects in 17 CFR Part 270

Investment companies, Reporting requirements, Securities.

Text of Rule 6c-8 and Amendments to Rule 0-1(e)

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

1. By revising introductory text of paragraph (e) and paragraphs (e)(1), and (e)(2) of § 270.0-1 to read as follows:

§ 270.0-1 Definition of terms used in this part.

* * * * *

(e) Definition of separate account and variable annuity contract and conditions for availability of exemption under §§ 270.6c-6, 270.6c-8, 270.11a-2, 270.14a-2, 270.15a-3, 270.16a-1, 270.22d-3, 270.22e-1, 270.27a-1, 270.27a-2, 270.27a-3, 270.27c-1, and 270.32a-2 of this chapter.

(1) As used in the Rules and Regulations prescribed by the Commission pursuant to the Investment Company Act of 1940, unless otherwise specified or the context otherwise requires, the term "separate account" shall mean an account established and maintained by an insurance company pursuant to the laws of any state or territory of the United States, or of Canada or any province thereof, under which income, gains and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains or losses of the insurance company and the term "variable annuity contract" shall mean any accumulation or annuity contract, any portion thereof, or any unit of interest or participation therein pursuant to which the value of the contract, either prior or subsequent to annuitization, or both, varies according to the investment experience of the separate account in which the contract participates.

(2) As conditions to the availability of exemption rules 6c-6, 6c-8, 11a-2, 14a-2, 15a-3, 16a-1, 22d-3, 22e-1, 27a-1, 27a-2, 27a-3, 27c-1, and 32a-2, the separate account shall be legally segregated, the assets of the separate account shall, at the time during the year that adjustments in the reserves are made, have a value at least equal to the reserves and other contract liabilities with respect to such account, and at all other times, shall have a value approximately equal to or in excess of such reserves and liabilities; and that portion of such assets having a value equal to, or approximately equal to, such reserves and contract liabilities shall not be chargeable with liabilities arising out of any other business which the insurance company may conduct.

2. By adding § 270.6c-8 to read as follows:

§ 270.6c-8 Exemptions for registered separate accounts to impose a deferred sales load and to deduct certain administrative charges.

(a) As used in this section "Deferred sales load" shall mean any sales load, including a contingent deferred sales load, that is deducted upon redemption or annuitization of amounts representing all or a portion of a securityholder's interest in a registered separate account.

(b) A registered separate account, and any depositor of or principal underwriter for such account, shall be exempt from the provisions of sections 2(a)(32), 2(a)(35), 22(c), 26(a)(2)(C), 27(c)(1), 27(c)(2), and 27(d) of the Act [15 U.S.C. 80a-2(a)(32), 80a-2(a)(35), 80a-22(c), 80a-26(a)(2)(C), 80a-27(c)(1), 80a-27(c)(2), and 80a-27(d), respectively] and

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[3] *See* Investment Company Act Release No. 12765 (Sept. 20, 1982) [47 FR 42344, Sept. 27, 1982] (proposed rule 11a-2); Investment Company Act Release No. 12745 (Oct. 18, 1982) [47 FR 4780, Oct. 28, 1982] (proposed rule 6c-7 and amended rule 14a-2).

[4] *See, e.g.*, rule 22d-3 under the Act [17 CFR 270.22d-3].

rule 22c-1 under the Act [17 CFR 270.22c-1] to the extent necessary to permit them to impose a deferred sales loan on any variable annuity contract participating in such account, *Provided*, That:

(1) The amount of any such sales load imposed, when added to any sales load previously paid on such contract, shall not exceed 9 percent of purchase payments made to date for such contract; and

(2) The terms of any offer to exchange another contract for the contract are in compliance with the requirements of paragraph (d) or (e) of rule 11a-2 under the Act [17 CFR 270.11a-2].

(c) A registered separate account, and any depositor of or principal underwriter for such account, shall be exempt from sections 2(a)(32), 22(c), 27(c)(1), and 27(d) of the Act [15 U.S.C. 80a-2(a)(32), 80a-22(c), 80a-27(c)(1), and 80a-27(d), respectively] and rule 22c-1 under the Act [17 CFR 270.22c-1] to the extent necessary to permit them to deduct from the value of any variable annuity contract participating in such account, upon total redemption of the contract prior to the last day of the year, the full annual fee for administrative services that otherwise would have been deducted on that date.

Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act, the Chairman of the Commission previously certified that rule 6c-8 will not have a significant economic impact on a substantial number of small entities. The Commission did not receive any comment on that certification.

Paperwork Reduction Act

The proposed rule is not subject to the Act because it does not impose an information collection requirement.

Statutory Authority

Rule 6c-8 is adopted pursuant to the provisions of sections 6(c) and 38(a) of the Act [15 U.S.C. 80a-6(c) and 80a-37(a)]. The amendments to rule 0-1(e) [17 CFR 270.0-1(e)] are adopted pursuant to the provisions of section 38(a) of the Act [15 U.S.C. 80a-37(a)].

By the Commission.

George A. Fitzsimmons,

Secretary.

July 28, 1983.

[FR Doc. 83-21695 Filed 8-8-83; 8:45 am]

BILLING CODE 80-10-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 83F-0037]

Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of Nylon 12T in contact with food. This action responds to a petition filed by EMS-CHEMIE AG.

DATES: Effective August 9, 1983; objections by September 8, 1983.

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

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF-33), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice in the **Federal Register** of March 4, 1983 (48 FR 9375), FDA announced that a food additive petition (FAP 2B3670) had been filed by EMS-CHEMIE AG, CH-7013 Domat/Ems, Switzerland, proposing that Part 177 (21 CFR Part 177) of the food additive regulations be amended to provide for the safe use of Nylon 12T manufactured by polymerization of *omega*-laurolactam, isophthalic acid and bis(4-amino-3-methyl-cyclohexyl)methane in food-contact articles.

FDA has evaluated the data in the petition and concludes that the proposed food additive use is safe and that the regulations shoud be amended as set forth below.

In accordance with §171.1(h) (21 CFR 171.1(h)), the 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 (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h)(2), 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 previously considered the potential environmental effects of this rule as announced in the notice of filing in the **Federal Register.** No new information or comments have been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

List of Subjects in 21 CFR Part 177

Food additives, Polymeric food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61 as revised February 4, 1983; 48 FR 5251), Part 177 is amended in § 177.1500 by adding new paragraph (a)(11) and new item 11 in paragraph (b) to read as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

§ 177.1500 Nylon resins.

* * * * *

(a) * * *

(11) Nylon 12T resins are manufactured by the condensation of *omega*-laurolactam (CAS Reg. No. 0947-04-6), isophthalic acid (CAS Reg. No. 0121-91-5), and bis(4-amino-3-methylcyclohexyl)methane (CAS Reg. No. 6864-37-5) such that the composition in terms of ingredients is 34.4 ± 1.5 weight percent *omega*-laurolactam, 26.8 ± 0.4 weight percent isophthalic acid, and 38.8 ± 0.5 weight percent bis(4-amino-3-methylcyclohexyl)methane.

(b) * * *

Nylon resins	Specific gravity	Melting point (degrees Fahrenheit)	Solubility in boiling 4.2N HCl	Maximum extractable fraction as selected solvents (expressed in percent by weight of resin)			
				Water	95 percent ethyl alcohol	Ethyl acetate	Benzene
*	*	*	*	*			
11. Nylon 12T resins for use in contact with all types of food except those containing more than 8 percent alcohol.	1.06 ± 0.015	290-310	Insoluble after 1 hour	0.1		0.5	0.5

Any person who will be adversely affected by the foregoing regulation may at any time on or before September 8, 1983, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective August 9, 1983.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: August 1, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-21557 Filed 8-8-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Furosemide Injection

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 Med-Tech, Inc., providing for safe and effective use of furosemide injection for treating dogs for edema associated with cardiac insufficiency and acute noninflammatory tissue edema.

EFFECTIVE DATE: August 9, 1983.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Med-Tech, Inc., P.O. Box 338, Elwood, KS 66024, filed NADA 131-538 providing or use of Disal™ injection (50 milligrams of furosemide per milliliter of solution) for treating dogs for edma (pulmonary congestion, ascites) associated with cardiac insufficiency and acute noninflammatory tissue edema. The NADA is approved and the regulations are amended to reflect the approval. The basis of approval of this NADA is contained in the freedom of information (FOI) summary.

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 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 522

Animal drugs, injectable.

Therefore, under the Federal Food, Drug, and Costmetic 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), § 522.1010 is amended by revising paragraph (b) to read as follows:

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

§ 522.1010 Furosemide injection.

* * * * *

(b) *Sponsor.* See No. 012799 in § 510.600(c) of this chapter for use in dogs and cats as in paragraph (c)(1) of this section, horses as in paragraph (c)(2)(i) of this section, and cattle as in paragraph (c)(3) of this section. See No. 013983 in § 510.600(c) of this chapter for use in dogs as in paragraph (c)(1) of this section.

* * * * *

Effective date. August 9, 1983.

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

Dated: August 2, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-21419 Filed 8-8-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Bacitracin Methylene Disalicylate, Lasalocid, and Roxarsone

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 A. L. Laboratories, Inc., providing for safe and effective use of bacitracin methylene disalicylate combined with lasalocid and roxarsone in broiler chicken feeds as an aid in the prevention of necrotic enteritis caused or complicated by *Clostridium* spp. or other organisms sensitive to bacitracin; as an aid in the prevention of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*; and as an aid in reduction of lesions due to *E. tenella*.

EFFECTIVE DATE: August 9, 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: A. L. Laboratories, Inc., 452 Hudson Terrace, P.O. Box 1621, Englewood Cliffs, NJ 07632, filed NADA 116-082 providing for use of premixes containing 40 or 50 grams of bacitracin methylene disalicylate (BMD) per pound, 15 or 25 percent lasalocid sodium (Avetec), and 10, 20, or 50 percent roxarsone (3-Nitro) to make a complete broiler feed containing 50 grams per ton BMD, 68 to 113 grams per ton lasalocid, and 45.5 grams per ton roxarsone as an aid in the prevention of necrotic enteritis caused or complicated by *Clostridium* spp. or other organisms susceptible to bacitracin, prevention of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. Brunetti*, *E. mivati*, and *E. maxima*, and reduction of lesions due to *E. tenella*. The NADA is approved and the regulations are amended to reflect the approval. The basis for approval is discussed in the freedom of information (FOI) summary.

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.

PART 558—NEW ANIMAL DRUGS FOR USE IN 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), § 558.311 is amended in the table in paragraph (f) by adding to item "(2)" a new entry to read as follows:

§ 558.311 Lasalocid.

* * * * *

(f) * * *

Lasalocid sodium activity in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
* * *	* *	* * *	* *	
(2) * * *	Roxarsone 45.5 plus bacitracin methylene disalicylate 50.	Prevention of coccidiosis caused by *Eimeria necatrix, E. tenella, E. acervulina, E. brunetti; E. mivati,* and *E. maxima;* reduction of lesions due to *E. tenella;* prevention of necrotic enteritis caused or complicated by *Clostridium* spp. or other susceptible organisms.	Feed continuously as sole ration; as sole source of organic arsenic; withdraw 5 days before slaughter.	046573
* * *	* *	* * *	* *	

Effective Date. August 9, 1983.

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

Dated: August 1, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-21418 Filed 8-8-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds, Lincomycin

Correction

In FR Doc. 83-18201 beginning on page 31386 in the issue of Friday, July 8, 1983, make the following correction:

On page 31386, third column, seven lines from the bottom of the page, "44 FR 7142" should have read "44 FR 71742".

BILLING CODE 1505-01-M

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21 CFR Part 870

[Docket No. 83N-0190]

Opportunity To Request Change in Classification of Vascular Graft Prosthesis of 6 Millimeters and Greater Diameter

Correction

In FR Doc. 83-18600 beginning on page 31395 in the issue of Friday, July 8, 1983, make the following correction:

On page 31395, third column, under **Opportunity To Request Reclassification,** twenty-third line, "request by" should have read "request by July 25, 1983".

BILLING CODE 1505-01-M

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21 CFR Part 870

[Docket No. 83N-0191]

Opportunity To Request Change in Classification of Cardiac Monitor (Including Cardiotachometer and Rate Alarm)

Correction

In FR Doc. 83-18601 beginning on page 31394 in the issue of Friday, July 8, 1983, make the following correction:

On page 31394, third column, under **Opportunity To Request Reclassification,** eleventh line, "or class II" should have read "or class III".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 886

[Docket No. R-83-1099]

Section 8 Housing Assistance Payments Program; Special Allocations

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

ACTION: Interim rule.

SUMMARY: This regulation provides authority to approve Fair Market Rents (based on a percentage of Fair Market Rents published for the Section 8 New Construction program) for units which (1) were previously assisted under section 101 of the Housing and Urban Development Act of 1965 (Rent Supplement) or section 236(f)(2) of the National Housing Act (Rental Assistance Payments (RAP)) and (2) are now being converted to the Section 8 program. The project rents provided by the Rent Supplement and Rental Assistance Payments programs are unable to cover increasing operating expenses, and current regulations restrict payment of a higher Fair Market Rent to projects which are not yet six years old. This amendment removes the six-year limit for projects converted from these two programs.

DATES: Effective date: October 11, 1983. Comments must be received by: October 11, 1983.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, Room 6176, 451 7th Street, SW., Washington, D.C. 20410. Telephone (202) 755-5654. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The purpose of this amendment to the regulations for the Loan Management Set Aside program (24 CFR Part 886, Subpart A) is to provide the authority to approve Fair Market Rents (based on a percentage of Fair Market Rents published for the Section 8 New Construction program) for units which (1) were previously assisted under section 101 of the Housing and Urban Development Act of 1965 (Rent Supplement) or section 236(f)(2) of the National Housing Act (Rental Assistance Payments (RAP)) and (2) are now being converted to the Section 8 program.

The primary goal of the Loan Management Set Aside program is to reduce claims on the Department's insurance fund by aiding FHA-insured or Secretary-held projects with immediate or potentially serious financial difficulties. Many projects which contain units assisted under the Rent Supplement and RAP programs are either now experiencing such financial difficulty, or are likely to experience such difficulty because of an inability of the project rents to keep pace with operating expense increases. The subsidy provided by the Rent Supplement and RAP programs is determined on the basis of tenant contributions (which are fixed by a statutory percentage of income), and unit rents (which are calculated to support a project mortgage). There is no statutory or regulatory obligation to cover escalating operating expenses for the Rent Supplement and RAP programs. However, without the assurance of additional assistance, these projects present the potential for either an immediate or future claim on the FHA insurance fund. To avoid the eventual financial default which could result if increased operating expenses were not paid, the Congress has authorized funds for the conversion of Rent Supplement and RAP units to section 8, which provides for annual adjustments to cover operating expense increases.

Currently, under 24 CFR 886.102, the Fair Market Rent for the Loan Management Set Aside Program is based on the Fair Market Rent published for the section 8 Existing Housing Program, except that under 24 CFR 886.110(b), for projects which have been completed not more than six years before the date of application for assistance under the section 8 program, the Fair Market Rent may be based on a percentage of the Fair Market Rents published for the section 8 New Construction Program. That higher Fair Market Rent limit has been used to accommodate earlier conversions of units assisted under the Rent Supplement program in some projects which were not yet six years old at the time of conversion. However, a number of projects which are being subsidized through Rent Supplement and RAP were completed more than six years ago, and current rent levels for those units exceed the Fair Market Rents for the section 8 Existing Housing program.

In an effort to assure that an adequate amount of finacial assistance is maintained to avoid a claim on the insurance fund and to avoid unnecessary hardship to tenants which would result from default, foreclosure and eventual sale of the project, it is necessary to allow a higher Fair Market Rent than the published Fair Market Rents, with adjustments, set out in the section 8 Existing Housing Program. It has been determined that the rent allowed by application of the formula defined in 24 CFR 886.110(b), which is based on 75 percent of the published new construction Fair Market Rents, more accurately reflects the rent levels needed to avoid default, assignment or foreclosure of the projects in which these units are located. Therefore, in compliance with section 8(c)(1) of the U.S. Housing Act of 1937, HUD is giving notice that the rent formula defined in 24 CFR 886.110(b) may be applied to determine the Fair Market Rent for units which are being converted from Rent Supplement and RAP to section 8, notwithstanding the fact that the projects in which such untis are located may be more than six years old.

It should be noted, however, that the rent formula defined in § 886.110(b) represents a maximum allowable rent for a unit being converted to Section 8. As the amendment indicates, the rents derived from application of the formula must meet the rent reasonableness test set out in § 886.110(c), and must not exceed the current HUD-approved rent levels established for the project under 24 CFR 207.19(e)(2)(i).

The subject matter of this rulemaking action is exempt from the notice and public comment requirements of Section 553 of the Administrative Procedure Act. As a matter of policy, the Department submits many rulemaking actions with such subject matter to public comment, either before or after effectiveness of the action, notwithstanding the statutory exemption. The Secretary has determined that notice and prior public procedure are impracticable and contrary to the public interest and that good cause exists for making this rule effective as soon after publication as possible, because application of the higher Fair Market Rents will protect the FHA insurance fund and the long term security of tenants currently residing in units receiving subsidies affected by this rulemaking. Issuance of an interim rule provides the most expedient route for this amendment, while allowing opportunity for public comment. Public comments are invited and will be considered in the adoption of a final rule.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451 7th Street, SW., Washington, D.C. 20410.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the

ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because it will pertain to a relatively small number of units of the total number of units connected with the programs involved.

This rule is not listed in the Department's Semiannual Agenda of Regulations published on April 25, 1983 (48 FR 18054), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 886

Grant programs—housing and community development, Low and moderate income housing, Rent subsidies.

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

Accordingly the Department proposes to amend 24 CFR 886.110 by revising paragraph (b) to read as follows:

Subpart A—Additional Assistance Program for Projects With HUD-Insured and HUD-Held Mortgages

§ 886.110 Contract rents.

* * * * *

(b) In the case of any project completed not more than six years prior to the application for assistance under that Part, or in the case of units converted to Section 8 which were previously assisted under section 101 of the Housing and Urban Development Act of 1965 or section 236(f)(2) of the National Housing Act, contract rents plus any allowance for utilities and other services may be as high as 75 percent of the published Section 8 Fair Market Rents for New Construction, which limitation may be increased: (1) By up to 10 percent if the Field Office Director determines that special circumstances warrant such higher rents, or (2) by up to 20 percent where the Regional Administrator determines that special circumstances warrant such higher rents, and in either case, such higher rents meet the test of reasonableness contained in paragraph (c) of this section. The project shall be converted using the current HUD approved rent level established pursuant to 24 CFR 207.19(e)(2)(i).

* * * * *

(Sec. 5(b), U.S. Housing Act of 1937, 42 U.S.C. 1437c(b); Section 8, U.S. Housing Act of 1937, 42 U.S.C. 1437f; section 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Dated: July 19, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-21552 Filed 8-8-83; 8:45 am]

BILLING CODE 4210-27-M

VETERANS ADMINISTRATION

38 CFR Part 40

Intergovernmental Review of Veterans Administration Programs and Activities

AGENCY: Veterans Administration.

ACTION: Rule related notice.

SUMMARY: Pursuant to Executive Order 12372, "Intergovernmental Review of Federal Programs", implementing regulations (38 CFR Part 40) were promulgated (June 24, 1983; 48 FR 29404). Those regulations apply to federal financial assistance and direct federal development programs and activities of the Veterans Administration. This notice sets forth the programs and activities which are eligible for selection for a State process under 38 CFR Part 40, effective September 30, 1983. The state process is the framework under the Executive Order.

FOR FURTHER INFORMATION CONTACT: Raymond S. Blunt, Director, Office of Program Planning and Evaluation (07), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2608.

List of Subjects in 38 CFR Part 40

Intergovernmental relations, States, Veterans.

Dated: August 2, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

Veterans Administration

Part 40 Scope Inclusions

Program/Activity and Reference

Aid to States for Establishment, Expansion and Improvements of Veterans Cemeteries [1]

Burial area expansion of 20 acres or more—38 U.S.C. 1008

State Home Facilities Furnishing Domiciliary Nursing Home and Hospital Care [1]—38 U.S.C. 5031

Acquisition of Real Property for National Cemeteries—38 U.S.C. 1006

Acquisition of Real Property for Medical Facilities—38 U.S.C. 5003

Burial area expansion of 20 acres or more—38 U.S.C. 211

1. A building addition or new structure. (Minor utility pads or equipment and projects for additions, alterations, or modernization of an existing facility which do not substantially alter the scale or the type or intensity of use of such facility need not be reported.)

2. A major utility modernization that may require new primary sources or discharge points from the community.

3. An acquisition of real property.

4. A major building demolition project exceeding $500,000 expenditure.

5. A project for inpatient care purposes exceeding $2 million *and* either:

(a) Increases the bed capacity by 25,

(b) Modifies the primary function of the facility, or

(c) Provides a major new medical care service.

[1] Subject to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966.

[FR Doc. 83-21443 Filed 8-8-83; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1820

Application Procedures; Mineral Leasing

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This procedural rulemaking is to notify the public that filing and related documents for leasable minerals in Alaska will reside in the Alaska State Office in Anchorage and not in the Fairbanks District Office. Therefore, all applications and related documents pertaining to leasable minerals must be filed in the Alaska State Office in Anchorage and not in the Fairbanks District Office.

EFFECTIVE DATE: September 12, 1983.

FOR FURTHER INFORMATION CONTACT: Lois Mason, (202) 343-7753.

SUPPLEMENTARY INFORMATION: Under the authority of Section 2478 of the Revised Statutes (43 U.S.C. 1201), 1821.2-1, Subpart 1826, Part 1820, Group 1800, Subchapter A, Chapter II of Title 43 of the Code of Federal Regulations is amended as follows.

PART 1820—APPLICATION PROCEDURES

Section 1821.2-1(d) is amended in the list of State office and area of jurisdiction by revising the entries for the Alaska State Office and the Fairbanks District Office to read as follows:

§ 1821.2-1 Office hours; place for filing.

* * * * *

(d) * * *

State Office and Area of Jurisdiction

Alaska State Office, 701 "C" Street, Box 70, Anchorage, Alaska 99513—Southern Alaska, plus all mineral leasing.[1]

Fairbanks District Office, No. Post of Ft. Wainwright, P.O. Box 1150, Fairbanks, Alaska—Northern Alaska, except for all mineral leasing.[1]

* * * * *

Gerald W. Zamber,

Acting Director, Alaska District.

[FR Doc. 83-21277 Filed 8-8-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6451]

Final Flood Elevation Determination; South Carolina

AGENCY: Federal Emergency Management Agency.

ACTION: Deletion of final rule for the City of Columbia, Richland County, South Carolina.

SUMMARY: The Federal Emergency Management Agency has inadvertently published the final flood elevation determination for the City of Columbia. This notice will serve to delete that publication. The notice of final flood elevation determination for the city was published in the incorrect format.

EFFECTIVE DATE: August 9, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brain R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: As a result of the incorrrect format being published, the Federal Emergency Management Agency has determined that the notice of final flood elevation determination for the City of Columbia, Richland County, South Carolina, published at 48 FR 23231, on May 24, 1983, should be deleted. The correctly formated notice of final flood elevation determination will be published following the publication of this deletion notice.

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

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

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

Issued July 19, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-21638 Filed 8-8-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 90, and 95

[FCC 83-326]

Introduction of FCC Form 574-R, Application for Renewal of Radio Station License in the Private Land Mobile and General Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted an Order introducing FCC Form 574-R, a computer-generated "short form" renewal application for station licenses in the Private Land Mobile and General Mobile Radio Services which the Commission will mail to licensees 60-90 days prior to license expiration. This action is taken to assure that licensees receive timely notification of license expiration; to reduce the paperwork burden on licensees; to improve the efficiency and effectiveness of agency procedure; and to assure the accuracy of our license data base.

DATE: Initiation of the new short form renewal application 574-R throughout the Private Land Mobile and General Mobile Radio Services will be accomplished in stages, the effective dates of which will be announced at a later date in the **Federal Register.** The Commission emphasizes that licensees must continue to use the existing renewal application, FCC Form 405-A, if the licensee has not received the new computer-generated short form 574-R in the mail from the Commission within 60 days of license expiration. Rule changes are effective August 31, 1983.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Charles F. Turner, Private Radio Bureau, (202) 632-6497.

List of Subjects

47 CFR Part 1

Practice and procedure.

47 CFR Part 90

Public safety radio services, Special emergency radio service, Industrial radio services, Land transportation radio services, Radiolocation service.

47 CFR Part 95

Personal radio services, General mobile radio service.

Order

In the matter of amendment of Parts 1 and 90 of the Commission's rules to provide for the introduction of FCC Form 574-R, Application for Renewal of Radio Station License in the Private Land Mobile and General Mobile Radio Services, FCC 83-326.[1]

Adopted: July 14, 1983.

Released: July 25, 1983.

By the Commission.

1. This Order amends the Commission's Rules for Practice and Procedure (47 CFR Part 1) and the Private Land Mobile Radio Services (47 CFR Part 90) to introduce the new "short form" renewal, FCC Form 547-R, Application for Renewal of Radio Station License.[2]

[1] See diagram for division line.

[1] By separate action on this date, we have adopted a *Report and Order* recodifying the rules for the General Mobile Radio Service (47 CFR Part 95, Subpart A.) The use of the FCC Form 574-R in the General Mobile Radio Service has been included as part of the recodification. See *Report and Order*, PR Docket 82-84, adopted July 14, 1983, FCC 83-332.

[2] On February 24, 1983, the Commission submitted the Form 574-R to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reducton Act of 1980, Pub. L. 96-511. This action, as well as a

2. Licenses in the Private Land Mobile Radio Services and the General Mobile Radio Service (GMRS) are normally issued for a term of five (5) years. Currently, licensees have the responsibility of submitting FCC Form 405–A (Application for Renewal of Radio Station License) to the Commission requesting the renewal of their station license. Though the FCC Form 405–A is a simple one to complete, many licensees fail to complete it for a timely station renewal with the result that their licenses expire, requiring them either to apply for reinstatement or to submit a new application for radio station authorization, FCC Form 574. In order to avoid this inadvertent expiration of licenses and to reduce the paperwork burden on the public, the Commission is introducing this new FCC Form 574–R.[3]

3. Sixty to ninety (90) days before the expiration of a station license in the Private Land Mobile and General Mobile Radio Services, the Commission will mail to the licensee a computer-generated FCC Form 574–R. This notification of expiration will serve as a pre-completed renewal application which the licensee need only review, correct as necessary, sign, date and return to the Commission. (See Appendix B for a facsimile of the new form and the exact wording of the instructions.)

4. The new Form 574–R provides for an automated renewal process. If, when reviewing the Form 574–R, there are name/address/station status changes, the licensee can simply check the appropriate box(es) and indicate the change directly on the on the Form 574–R. Upon receipt, the Commission will enter the indicated changes into its license data base. Licensees will continue to use the Form 405–A during their license term to inform the Commission of changes in their mailing address and/or name (not involving an assignment or transfer of control) and to notify the Commission of station closure or to request license cancellation.

5. While introducing the FCC Form 574–R, the Commission is taking the opportunity to remove an unnecessary requirement in the present rules. Section 90.135(c)(1) of the Commission's rules, 47 CFR 90.135(c)(1) provides that a licensee changing its name and/or mailing address inform the "Engineer in Charge of the Radio District in which the station is located," in addition to the Commission, of such a change. This requirement to inform the Engineer in Charge was recently removed with respect to discontinuance of station operations.[4] We now remove that requirement with respect to § 90.135(c)(1).

6. Implementation of the new short form 574–R renewal procedure throughout the Private Land Mobile Radio and General Mobile Radio Services will be accomplished in stages, to be announced by the Commission by Public Notice. We emphasize that licensees must continue to use the renewal form 405–A if the licensee has not received the computer-generated short form 574–R in the mail from the Commission within sixty (60) days of license expiration. (See Appendix A, new § 1.926(a)(1), and new § 90.119(e)(1).)

7. The Commission believes implementation of this automated renewal process will greatly benefit both the public and the Commission. Return of the corrected form to the Commission will allow for continuing correction and updating of our license data base, which, among other things, will allow the Commission and frequency coordinators to recover unused spectrum and make it available to applicants. This updating capability is especially important in view of the fact that 20% of American businesses move yearly. We expect this new process will save our license examiners 3,000 work hours yearly in time which would have been spent processing applications for reinstatement of licenses. As this automated process saves Commission resources, it will also reduce the public's paperwork burden by 4,000 hours annually.

8. The Commission concludes that the rule amendments set forth in Appendix A relate to agency practice and procedure. Moreover, the introduction of the Form 574–R will decrease licensee paperwork burdens and raises no issue upon which comments would serve any useful purpose. Authority for this action is set forth in the Administrative Procedure Act codified at 5 U.S.C. 553(b)(3).

9. Therefore, it is ordered, That pursuant to Sections 4(i), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303)(r), the Commission's Rules are amended as set forth in attached Appendix A, effective August 31, 1983.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Parts 1 and 90 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 1—PRACTICE AND PROCEDURE

Subpart F—Private Radio Services Applications and Proceedings

1. Section 1.922 is amended by adding FCC Form 574–R after Form 574–B to read as follows:

§ 1.922 Forms to be used.

* * * * *

574–R Application for Renewal of Radio Station License.

* * * * *

2. Section 1.926 is amended by revising paragraph (a), removing present paragraph (b) in its entirety and redesignating present paragraph "(c)" as new paragraph "(b)."

§ 1.926 Application for renewal of license.

(a) Application for renewal of a station license shall be submitted on the appropriate FCC Form indicated below:

(1) Renewal of station authorizations in the Private Land Mobile Radio Services (Part 90 of this chapter) and the General Mobile Radio Service (Part 95, Subpart A of this chapter) shall be submitted on FCC Form 574–R when the licensee has received that Form in the mail from the Commission. If the licensee has not received the Commission-generated Form 574–R within sixty (60) days of expiration, application for renewal of station license shall be submitted on FCC Form 405–A.

(2) Renewal of marine coast station authorizations (§ 81.37 of this chapter) and aviation ground station authorizations (§ 87.33 of this chapter) shall be submitted on FCC Form 405–A.

(3) Renewal of aircraft radio station authorizations and ship radio station authorizations shall be submitted on FCC Form 405–B.

(4) Renewal of an amateur operator license or a combined amateur operator/station license shall be submitted on FCC Form 610.

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description of the Form 574–R's impact on the public's "annual paperwork burden," was contained in the **Federal Register** of March 3, 1983 (48 FR 9063). On April 23, 1983, OMB approved this form.

[3] FCC Form 405–A will still be required to be submitted by licensees applying for the renewal of Aviation Ground Station Authorizations (*see* 47 CR 87.33) and for licensees applying for the renewal of Marine Coast Station Autorizations (see 47 CFR 81.37). At some future time, the Commission will be converting these radio stations to use of the FCC 574–R.

[4] In the Matter of Amendment of Parts 0, 1 and 90 of the Commission's Rules and Regulations Pursuant to the Commission's Unregulatory Program; *Order* adopted February 3, 1983, released February 15, 1983; mimeo 32827; 48 FR 9271 (March 4, 1983).

(5) Renewal of an amateur club, military recreation, or Radio Amateur Civil Emergency Service (RACES) station license shall be submitted on FCC Form 610–B.

(6) Renewal of station authorizations in the Private Operational-Fixed Microwave Service (Part 94 of this chapter) shall be submitted on such form as the Commission may designate by public notice in accordance with the provisions of § 94.27(e) of this chapter.

* * * * *

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

Subpart G—Applications and Authorizations

1. In § 90.119, paragraph (e) is revised and new paragraph (h) is added to read as follows:

§ 90.119 Application forms.

* * * * *

(e) Form 405–A shall be used to:

(1) Apply for a renewal without modification of a station or system license when the licensee has not received renewal Form 574–R in the mail from the Commission within sixty (60) days of license expiration.

(2) Notify the Commission of a change in the licensee's name or mailing address that occurs during the license term. (See § 90.135(b).)

(3) Notify the Commission that the licensee has discontinued station operation and wishes to cancel the license. (See § 90.157.)

* * * * *

(h) Form 574–R shall be used to apply for renewal of an existing authorization without modification of the station or system license. (Form 574–R is generated by the Commission and mailed to the licensee prior to the expiration of the license term.)

2. In § 90.135, paragraph (c)(1) is revised to read as follows:

§ 90.135 Modification of license.

* * * * *

(c)(1) In case of a change listed in subparagraph (b)(1) or (b)(2) of this paragraph, the licensee may notify the Commission on Form 405–A of such change, or, at its option, notify the Commission by letter of such change(s). The letter shall contain the name and address of the licensee as they appear in the Commission's records, the new name or address, the call signs and classes of all radio stations authorized to the licensee under this part and the radio service in which each station is authorized. The completed and signed Form 405–A or the letter shall be sent to: Federal Communications Commission, Gettysburg, Pennsylvania 17325. The licensee must choose one of the above options and make the notification promptly. Licensees whose licenses are due for renewal and who have received the renewal Form 574–R in the mail from the Commission, must use the appropriate boxes on that form to notify the Commission of a change listed in subparagraph (b)(1) or (b)(2) of this paragraph.

* * * * *

3. Section 90.157 is revised to read as follows:

§ 90.157 Discontinuance of station operation.

(a) If a station licensed under this part discontinues operation on a permanent basis, the licensee shall forward the station license to the Federal Communications Commission, Gettysburg, Pennsylvania 17325 for cancellation. Alternatively, the licensee may notify the Commission by checking the appropriate box on Form 405–A that he/she has discontinued station operation and requests license cancellation. The Form 405–A shall be sent to the Commission's offices in Gettysburg, Pennsylvania.

(b) Licensees whose licenses are due for renewal and who have received the Form 574–R in the mail from the Commission, shall use the appropriate box on that Form the notify the Commission that they have discontinued station operation and wish to cancel their license.

(c) For the purposes of this section, any station which has not operated for 1 year or more is considered to have been permanently discontinued.

Appendix B

Note.—The Form is filed with the original document. A copy of the Form can be inspected at the FCC Library, Room 639, 1919 M St. NW., Washington, DC.

Instructions for Completion of Form

1. Use this form to apply for renewal of a license for any of the following classes of stations:

a. Maritime land and Alaska public-fixed stations (Part 81, FCC Rules);

b. Ship radiotelephone stations required by Title III, Part II of the Communications Act or by the Safety of Life at Sea Convention, ship radiotelegraph and radiolocation stations (Part 83);

c. Aviation ground stations (Part 87);

d. Private land mobile stations (Part 90); or

e. General Mobile Radio Service (GMRS) stations (Part 95, Subpart A).

2. Check the information printed in items 1–12 to verify that each item agrees with the information on your license. You may correct misspelled words on this form, but if anything other the licensee's name or mailing address has changed, you must apply for a modification of the license by completing:

a. FCC Form 503 for maritime land stations;

b. FCC Form 506 for ship stations;

c. FCC Form 406 for aviation ground stations; or

d. FCC Form 574 for land mobile and GMRS stations.

3. If all the information on this form is correct, place an "X" in the appropriate box in item 13 and have the application signed and dated by a person authorized to sign for the license.

4. You may use this form to notify the Commission of a change in the licensee's name, mailing address, or vessel name by striking out the words or lines that are incorrect and printing the correct information in the nearest available space.

5. You may use this form to request cancellation of your license when the station ceases operation.

6. Mail the completed form to: FEDERAL COMMUNICATIONS COMMISSION, GETTYSBURG, PA 17325 at least 30 days, and no more than 90 days, before the license expiration date. Once you mail your renewal application, you may continue to operate the station until the Commission sends you a new license, a certificate of renewal, or instructions for further action. Please wait at least six weeks before inquiring about the status of your application.

7. NOTE: DO NOT USE THIS FORM to apply for renewal of a license for a land mobile station operating on a frequency below 27.5 MHz UNLESS you have previously filed FCC Forms 574 and 574B to renew or modify it.

8. For more information about application procedures and requirements, refer to the Part of the FCC Rules that governs the station in question. (See instruction 1 above.) Parts for all the Private Radio Services are contained in Title 47, Code of Federal Regulations (47 CFR), which is available for reference in many libraries.

[FR Doc. 83–20694 Filed 8–8–83; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 83–84; RM–4255]

FM Broadcast Stations in Johannesburg, California; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 280A to Johannesburg, California, in response to a petition filed by Kitchen Productions, Inc. This assignment could provide a first FM assignment to Johannesburg.

DATE: Effective: September 23, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Johannesburg, California), MM Docket No. 83-84, RM-4255.

Adopted: July 18, 1983.
Released: July 25, 1983.
By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 48 FR 7755, published February 24, 1983, proposing the assignment of Channel 280A to Johannesburg, California, as that community's first FM assignment in response to a petition filed by Kitchen Productions, Inc. ("petitioner"). Petitioner submitted comments in support of the *Notice* and expressed its interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements. No opposing comments were received.

2. Mexican concurrence has been received.

3. The Commission has determined that the public interest would be served by assigning Channel 280A to Johannesburg, California, since it could provide a first local FM service to that community.

4. Accordingly, pursuant to the authority contained in §§ 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective September 23, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended, with respect to the community listed below:

City	Channel No.
Johannesburg, California	280A

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

6. 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. 254, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-21571 Filed 8-8-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-86; RM-4225]

FM Broadcast stations in Bonita Springs, Florida; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes Class C Channel 241 for Channel 240A at Bonita Springs, Florida, and denies modification to the Class A licensee due to the interests expressed by other parties in applying for the Class C channel. The Class A licensee did not elect to withdraw.

DATE: Effective: September 26, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order

(Proceeding Terminated)

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Bonita Springs, Florida) MM Docket No. 83-86, RM-4225.

Adopted: July 18, 1983.
Released: July 27, 1983.
By the Chief, Policy and Rules Division.

1. Before the Commission is the *Notice of Proposed Rule Making*, 48 FR 7757, published February 24, 1983, issued in response to a petition filed by Gold Coast Broadcasting Corporation ("petitioner"), licensee of Station WLEQ(FM) (Channel 240A) in Bonita Springs, Florida. Petitioner seeks the substitution of Class C FM Channel 241 for Channel 240A, and modification of its license for Station WLEQ(FM) to specify operation on Channel 241.[1]

2. The *Notice* proposed the requested channel substitution and modification of license for Station WLEQ(FM). However, it also indicated that in accordance with prior Commission precedent, as established in *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976), should another interest in the assignment be expressed, the channel would be opened to competing applicants. Since the channel on which the Class A station is currently operating would be deleted under the proposal should another interest be expressed, the alternative of withdrawing its proposal is given. See, *Statesboro, Georgia*, 40 R.R. 2d 1021 (1977); *Bonita Springs, Florida*, 45 R.R. 2d 1585 (1979).

3. In response to the *Notice*, supporting comments were filed by petitioner. Additionally, comments were filed by Richard J. Bellairs and James A. Elben, both of whom indicated their intention to apply for the channel, if assigned.[2] Petitioner filed reply comments. Comments were also received from Dwyer Broadcasting, Inc. ("Dwyer"), licensee of FM Station WOOJ (Channel 296A), Lehigh Acres, Florida.[3]

4. In its reply comments, petitioner gave no indication of its intent to withdraw in view of the other interests noted. The proposed assignment of Channel 241 to Bonita Springs will require deletion of Channel 240A, licensed to petitioner, since otherwise the channel adjacencies would violate the minimum distance separation requirements of § 73.207 of the Commission's Rules. See, *Phillipsburg, Kansas*, 47 FR 30988, published July 12, 1982. Since we have never before had a licensee willing to risk losing its current station for the opportunity to apply for another channel, petitioner was afforded the opportunity to formally clarify its position with respect to withdrawal. By letter dated June 21, 1983, counsel for petitioner advised that it did not wish to withdraw, that it understood the impact that the proposed assignment of Channel 241 to Bonita Springs would have on its operation, and that it desired to proceed to the application process. Therefore, we find no bar to the assignment of Channel 241 as a substitute for Channel 240A, and we believe the public interest could benefit from the wider-coverage channel at Bonita Springs. However, the license for Station WLEQ(FM) will not be modified

[1] Channel 241 became available to Bonita Springs as a result of action taken in BC Docket No. 21239 which substituted Channel 243 for 242 at Miami, Florida.

[2] Petitioner indicates that an expression of interest was also noted in a letter of March 18, 1983 by Ercona South, Inc., licensee of AM Station WCAL Fort Myers, Florida. However, the Commission has no record of such notification.

[3] Dwyer's comments were submitted after the close of the pleading cycle. Since they contain no new information to assist us in the resolution of the instant proceeding, and they do not indicate the reason for their late filing, we find no public interest justification for their acceptance, and we have not considered them herein.

in consideration of the other expressions of interest. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976). Rather, the station may continue to operate on Channel 240A until a permit is issued for Channel 241 at Bonita Springs.

5. In view of the above considerations, and in accordance with the authority contained in §§ 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective September 26, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with regard to Bonita Springs, Florida, as follows:

City	Channel No.
Bonita Springs, Florida	241

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

7. For further information concerning the above, contact Nancy V. Joyner, 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. 83-21569 Filed 8-8-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-100; RM-4209]

FM Broadcast Stations in Wrightsville, Georgia

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 292A to Wrightsville, Georgia, as its first FM channel, in response to a petition filed by Wimley Waters.

DATE: Effective: September 23, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Wrightsville, Georgia) MM Docket No. 83-100, RM-4209.

Adopted: July 13, 1983.

Released: July 25, 1983.

By the Chief, Policy and Rules Division.

1. In response to a petition filed by Wimley Waters ("petitioner"), the Commission adopted a *Notice of Proposed Rule Making*, 48 FR 8509, published March 1, 1983, proposing the assignment of Channel 292A to Wrightsville, Georgia, as its first FM service. Comments were filed by the petitioner reiterating his intention to apply for the channel, if assigned.

2. The Commission believes that the public interest would be served by the assignment of Channel 292A to Wrightsville since it could provide that community with its first FM station. The channel can be assigned in compliance with the minimum distance separation requirements.

3. In veiw of the above and pursuant to authority contained in §§ 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules it is ordered, That effective September 23, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules is, amended with regard to Wrightsville, Georgia, as follows:

City	Channel No.
Wrightsville, Georgia	292A

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

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

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-21567 Filed 8-8-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM 82-833; RM-4194; RM-4199]

FM Broadcast Stations in Clinton and Elk City, Oklahoma; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 253 to Elk City, Oklahoma in response to a proposal filed by Joe Tilton. The assignment would provide Elk City with its second FM service. It also denies the conflicting proposal of Clinton-Cordell Broadcasting, Inc. to assign Channel 253 to Clinton, Oklahoma, as that community's third FM service.

DATE: Effective: September 26, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Clinton and Elk City, Oklahoma) MM Docket No. 82-833, RM-4194, RM-4199.

Adopted: June 30, 1983.

Released: July 26, 1983.

By the Chief, Policy and Rules Division.

1. Before the Commission is the *Notice of Proposed Rule Making*, 48 FR 1990, published January 17, 1983 proposing the alternative assignment of FM Channel 253 to Clinton, Oklahoma (RM-4144) in response to a petition filed by Clinton-Cordell Broadcasting, Inc. ("CCBI"), licensee of FM Station KCLI (Channel 237A), Clinton, Oklahoma, or to Elk City, Oklahoma (RM-4199) in response to a petition filed by Joe Tilton ("Tilton"). Supporting comments were filed by each proponent reaffirming their intention to apply for the channel if assigned to their respective community.

2. Section 73.207 of the Commission's Rules specifies that co-channel Class C stations be separated by a minimum distance of 180 miles. Since the distance between Clinton and Elk City is approximately 25 miles, the proposals are mutually exclusive. Thus, we must determine which community has the greater need for the assignment pursuant to Section 307(b) of the Communications Act of 1934, as amended. Accordingly, we shall evaluate the proposals under the priorities and comparative factors set forth in the *Second Report and Order* in BC Docket No. 80-130, *Revisions of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982), as well as traditional comparative criteria that has been developed through case law.[1]

[1] See, *Anamosa and Iowa City, Iowa*, 46 FCC 2d 520, 524-25 (1974).

3. Clinton (population 8,796), [2] in Custer County (population 25,995), is currently assigned FM Station KCLI (Channel 237A), as well as co-owned Stations KKCC-FM (Channel 295) and KKCC(AM), a daytime-only operation.

4. Elk City (population 9,579), in Beckham County (population 19,243), is presently assigned Class C FM Station KECO (Channel 243) and AM Station KADS, a full-time facility.

5. In support of its proposal CCBI asserts that it seeks the assignment of Channel 253 for the purpose of upgrading its present operation on Channel 237A. It maintains that it is now competing with area Class C facilities and that it may face possible competition from Class C Station KQTZ (Channel 290), Hobart, Oklahoma. CCBI claims it is at a competitive disadvantage due to its Class A status trying to compete in a market dominated by higher-power Class C stations. If permitted to upgrade, CCBI claims it could expand its service area to Clinton and beyond in an effort to maintain an economically viable operation.

6. Tilton asserts that if Channel 253 is assigned to Elk City, it would provide that community with its second FM assignment and third local aural facility. According to Tilton, Elk City is located near the center of the Anadarko Basin which, he states, is known for its extensive supply of natural gas and oil. Tilton adds that the assignment of Channel 253 to Elk City will enable its citizens to become more informed regarding local government activities and would enable it to present specialized programming to address the specific needs and interests of the community.

7. CCBI responds that although the 1980 U.S. Census Reports indicate that Elk City had a larger growth rate than Clinton during the past decade, it attributes such increase to the oil industry. However, CCBI asserts that Elk City's population trend has either ceased or reversed itself due to the decline in the oil industry.

8. CCBI's comments acknowledge that an assignment to either community would cover virtually the same population and service area. CCBI therefore poses a third option. It suggests that, since it has already made a commitment to serve the public interest, such could be further enhanced by restricting the transmitter site for Channel 253 to an area equidistant between the two communities, and by modifying its license to operate on the Class C channel as a dual city station serving both communities.

9. At the outset, we must reject CCBI's proposed option. Hyphenation is an assignment tool which is used very sparingly. In the past, we have done so only where it appeared that the communities should be treated as one due to their nearness and mutual economic, trade, cultural and social interests, etc. Based on the information provided, we do not believe such treatment is warranted here since each community has its own separate identity. Each has its own postal zip code, and is listed separately by the U.S. Census. Thus, CCBI has made no valid argument to justify a hyphenated assignment. See, *Eagar, Arizona (Notice)*, 46 F.R. 56835, published November 19, 1981. Furthermore even in the few cases in which hyphenation is found to be warranted, the dual city licensing process would involve making the channel available for application rather than a modification of an existing channel.

10. In the *Second Report and Order* in BC Docket No. 80-130, *supra*, the Commission adopted the following priorities in assigning new FM channels:

(1) first full-time aural service

(2) second full-time aural service

(3) first local service

(4) other public interest matters.

This latter category is applicable here since each city already has local service. Such factors as population and area to be served, the number of services available and other considerations are studied in determining which community has the greater need.

11. As CCBI notes, an assignment to either community would cover virtually the same population and service area. Additionally, since both Custer and Beckham County have experienced the impact of the decline in the oil industry, and each are about the same distance from larger communities in the region, in overall terms, their general situations are similar. Our decision herein is premised on the fact that ELK City, the more populous of the two communities, has less local service than Clinton. As a result, we do not find a greater need for the wider coverage area service at Clinton. This determination is consistent with the mandate of Section 307(b) of the Communications Act of 1934, as amended, to provide a fair, efficient and equitable distribution of radio services among the various communities and is in accord with our assignment priorities set forth in the *Second Report, supra*, as well as traditional case law.[3]

12. One further matter requiring clarification is CCBI's fear of economic harm which it believes will occur as a result of competition in the marketplace dominated by Class C assignments. That issue is misplaced at the rule making level, but may be appropriately raised at the application stage. See, *Beaverton, Michigan*, 44 RR 2d 55 (1978).

13. Channel 253 can be assigned to Elk city provided the transmitter is located approximately 4.5 miles east of the community to avoid short-spacing to Station KYTX(FM) (Channel 254), Amarillo, Texas.

14. 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 Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective September 16, 1983, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Elk City, Oklahoma	243, 253

15. It is further ordered, That the petition of Clinton-Cordell Broadcasting Company, Inc. (RM-4194) is denied.

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

17. For further information concerning the above, contact Nancy V. Joyner, 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. 83-21564 Filed 8-8-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-88; RM-4223]

FM Broadcast Stations in Jersey Shore, Pennsylvania; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

[2] Population figures were extracted from the 1980 U.S. Census, Advance Reports.

[3] See, *Rotterdam, New York*, 46 FR 58690, published December 3, 1981; *recon. den.* 47 FR 45014, published October 13, 1982; *Washington, North Carolina*, 51 RR 2d 1297 (1982), and *Richlands, Virginia*, 42 F.C.C. 2d 727 (1973).

SUMMARY: This action assigns Channel 228A to Jersey Shore, Pennsylvania, in response to a proposal filed by Tiadaghton Broadcasting Company. The assignment could provide Jersey Shore with its second FM service.

DATE: Effective: September 26, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Jersey Shore, Pennsylvania) MM Docket No. 83-88, RM-4223.

Adopted: July 18, 1983.

Released: July 27, 1983.

By the Chief, Policy and Rules Division.

1. Before the Commission is a *Notice of Proposed Rule Making*, 48 FR 7484, published February 22, 1983, proposing the assignment of Channel 228A to Jersey Shore, Pennsylvania, as the community's second FM assignment, in response to a petition filed by Tiadaghton Broadcasting Company ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intent to apply for the channel, if assigned. Opposing comments were filed by Audiophase Broadcasting, Inc.[1] ("ABI") to which the petitioner responded.

2. In its opposing comments ABI asserts that, in addition to its Station WSQV, Jersey Shore is served by AM Station WJSA (licensed to the petitioner herein). Therefore, ABI claims that Jersey Shore would not be receiving an additional service but merely an extension of its existing service. Further, ABI concedes that even though Class A FM channels have been made available to small towns in the past, it urges that the Commission consider the impact the proposed assignment of Channel 228A would have on existing service provided to Jersey Shore, and the consequent limited potential for advertising revenue in the proposed service area. In conclusion, ABI suggests that the Commission consider whether it would be more conducive to the public interest to assign the channel to another community presently devoid of local aural broadcast service.

3. In response, petitioner states that its proposal should not be viewed as merely an extension of its present AM Station WJSA, as alleged by ABI, but as an independent outlet. Petitioner asserts it is well recognized that merely petitioning for Channel 228A does not vest in petitioner any protected rights to operate thereon since there may be other applicants for the channel. Therefore, petitioner asserts that its ownership of Station WJSA should in no manner prejudice consideration of the instant proposal.

4. Moreover, petitioner responds that ABI's concern regarding economic impact is misplaced here since allegations regarding market size and local economic conditions are not considered during the allocations process, citing *Chadron, Nebraska*, 52 R.R. 2d 1480 (1982); *Revision of FM Policies and Procedures*, 90 F.C.C. 2d 88 (1982); and *Bend and Coos Bay, Oregon*, 46 FR 62858 (1981).

5. Finally, petitioner asserts that ABI's argument that Channel 228A could be more effectively utilized if assigned to a presently unserved community is totally without merit since the preclusive impact of a proposal is no longer considered, citing *Revision of FM Policies and Procedures, supra*. Thus, petitioner urges that Channel 228A be assigned to Jersey Shore to provide that community with its first full-time competitive service and second nighttime voice.

6. As petitioner correctly notes, its AM ownership will be considered at the application stage in conjunction with other mutually-exclusive applications to determine the public interest benefit of its proposed use. Also, ABI's claim as to the uncertainty surrounding Jersey Shore's ability to support an additional facility is inappropriate for consideration at this time. Rather, as petitioner noted, that type of matter is generally associated with the possible economic impact a potentially competitive assignment could have on other stations in the market, which is more suitably raised at the application stage, rather than the assignment level. See, *Beaverton, Michigan*, 44 R.R. 2d 55 (1978).

7. Finally, ABI's claim that Channel 228A would be more conducive to the public interest if allocated to an unserved community is unfounded since we have no party stating an interest in assigning the channel elsewhere. See, *Sonora, California*, 46 Fed. Reg. 48200, published October 1, 1981, and *Revision of FM Policies and Procedures, supra*. Moreover, its rationale for believing the assignment should be made elsewhere (*i.e.*, the limited coverage possible vs. the mileage separation required) is equally without merit, since, as petitioner correctly noted, the preclusive effect of a proposal is no longer considered. See *Revision of FM Policies and Procedures, supra*.

8. In view of the foregoing, we believe the public interest would be served by grant of petitioner's request since it could provide a first competitive service and a second nighttime voice in the community for the expression of diverse viewpoints and programming.

9. As we indicated in the *Notice*, Channel 228A can be assigned with a site restriction 1.7 miles east of Jersey Shore to avoid short-spacing with co-channel Station WQYX, Clearfield, Pennsylvania.

10. Canadian concurrence in the proposal has been obtained.

11. 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 Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective September 26, 1983, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Jersey Shore, Pennsylvania	228A, 249A

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

13. For further information concerning the above, contact Nancy V. Joyner, 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. 83-21573 Filed 8-8-83; 8:45 am]

BILLING CODE 6712-01-M

[1] ABI is the licensee of FM Station WSQV (Channel 249A), Jersey Shore, Pennsylvania.

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47 CFR Part 73

[MM Docket No. 83-83; RM-4252]

FM Broadcast Stations in Spanish Fork, Utah; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes Class C Channel 293 for 292A at Spanish Fork, Utah, and modifies the license of Station KTMP (FM) (Channel 292A) to specify operation on Channel 293, in response to a petition filed by Mountain States Broadcasting Corporation.

DATE: Effective: September 23, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Spanish Fork, Utah) MM Docket No. 83-83, RM-4252.

Adopted: June 29, 1983
Released: July 25, 1983.
By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 48 FR 7761, published February 24, 1983, proposing the substitution of Class C FM Channel 293 for 292A at Spanish Fork, Utah and modification of the license of Station KTMP (FM) to specify operation on Channel 293, in response to a petition filed by Mountain States Broadcasting Corporation ("petitioner").[1] Petitioner submitted comments reaffirming its interest in the substitution. The substitution was requested to enable the station to provide expanded service to the area and to compete more effectively for audience and revenues with other stations in the area.

2. First National Broadcasting Corporation[2] submitted reply comments objecting to the change of license of KTMP to Class C status unless the Commission restricts the site location to insure compliance with the 65-mile separation to its proposed operation.

3. After consideration of the proposal, the Commission believes that the public interest would be served by the substitution of channels inasmuch as it could provide service to a larger area. We have also authorized, in paragraph 5 herein, a modification of the petitioner's license for Station KTMP (FM) to specify operation on Channel 293 since there were no other expressions of interest in the Class C channel. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976). A site restriction of 11.2 miles south of Spanish Fork is required for Channel 293 to avoid short spacing to a new construction permit on Channel 292A in Evanston, Wyoming. Any further restrictions on site selection would be inappropriate since the Brigham City proceeding has additional options wherein site selection could be better accommodated. At this time it would be premature to further condition the site selection in this proceeding on one of several options in the Brigham City case.

4. In view of the foregoing and pursuant to the authority contained in §§ 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective September 23, 1983, the FM Table of Assignments § 73.202(b) of the Rules, is amended, with respect to the following community:

City	Channel No.
Spanish Fork, Utah	293

5. It is further ordered, That pursuant to § 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Mountain States Broadcasting Corporation for Station KTMP (FM), Spanish Fork, Utah, is modified, effective September 23, 1983, to specify operation on Channel 293 instead of 292A. Station KTMP (FM) may continue to operate on Channel 292A for one year from the effective date of this action or until it is ready to operate on Channel 293, whichever is earlier, unless the Commission sooner directs, subject to the following:

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

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

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

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

7. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau (202) 634-6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-21572 Filed 8-8-83; 8:45 am]

BILLING CODE 6712-01-M

[1] Petitioner is the licensee of Station KTMP (FM), Spanish Fork, Utah.

[2] First National Broadcasting Corporation is the petitioner in a proposal at Brigham City, Utah, to change a Class A station to a Class C station. (MM Docket No. 83-19).

47 CFR Part 73

[MM Docket No. 83-154; RM-4278]

TV Broadcast Stations in Spokane, Washington; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF commercial Television Channel 34- to Spokane, Washington, as its seventh television assignment in response to a petition filed by William V. Johnson.

DATE: Effective: September 23, 1983.

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order (Proceeding Terminated)

In the Matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Spokane, Washington), MM Docket No. 83-154, RM-4278.

Adopted: July 18, 1983.
Released: July 25, 1983.
By the Chief, Policy and Rules Division.

1. A *Notice of Proposed Rule Making* (48 FR 11474, published March 18, 1983) was issued in response to a petition filed by William V. Johnson ("petitioner"), proposing the assignment of UHF Channel 34- to Spokane, Washington, as its seventh television assignment. Petitioner submitted comments in support of the proposal and reaffirmed his interest in applying for the channel, if assigned. Broadcast Vision Television, permittee of Television Station KSKN, Channel 22, Spokane, filed comments opposing the assignment. Petitioner did not file a reply.

2. Broadcast Vision states that an additional assignment to Spokane should not be made until KSKN becomes fully operational and proves its viability. It further states that Spokane's population (170,516) is not sufficient to support yet another television station and that this assignment would not be in the public interest. Broadcast Vision also asserts that the addition of Channel 34 to Spokane would preclude that channel's use in other communities in eastern Washington, northern Idaho and western Montana where there may be a greater public need for a local outlet.

3. Canadian concurrence has been received.

4. The Commission has traditionally treated economic issues as more appropriate at the application stage, where the specific proposal can be analyzed. Such treatment is also preferred in this case. As for preclusion, that factor has never been a major consideration in TV assignments and petitioner has not demonstrated that any such communities have an interested party that stands ready to apply for a channel.

5. We believe that the petitioner has adequately demonstrated the need for a seventh television assignment in Spokane and the public interest would be served by assigning UHF commercial Channel 34– to that community.

6. Accordingly, pursuant to the authority contained in § § 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective September 23, 1983, the Television Table of Assignments, § 73.606(b) of the Rules, is amended, with respect to the following community:

City	Channel No.
Spokane, Washington	2–, 4–, 6–, *7+22, 28–, and 34–

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

8. For further information 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. 83-21565 Filed 8-8-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-118; RM-4232]

TV Broadcast Stations in Bellevue, Washington

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF television Channel 33 to Bellevue, Washington, as its first television assignment, in response to a petition filed by Eastside Television Associates.

DATE: Effective: September 26, 1983.

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order (Proceeding Terminated)

In the Matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Bellevue, Washington) MM Docket No. 83–118 RM–4232.

Adopted: July 13, 1983.

Released: July 27, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 48 Fed. Reg. 10892, published March 15, 1983, which invited comments on a proposal to assign UHF Television Channel 33 to Bellevue, Washington, as its first television assignment, in response to a petition filed by Eastside Television Associates ("petitioner"). Petitioner filed comments in support of the *Notice* and reaffirmed its interest in applying for the channel, if assigned. Michelle Conte also filed comments in support of the *Notice* and expressed her interest in applying for the channel, if assigned. No opposing comments were received.

2. We believe that the petitioner has adequately demonstrated the need for a first television assignment to Bellevue, Washington, and that the public interest would be served by assigning UHF Television Channel 33 as a first TV channel to Bellevue.

3. Canadian concurrence has been obtained.

4. 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 Section 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective September 26, 1983, the TV Table of Assignments, Section 73.606(b) of the Rules, is amended, with respect to the following community:

City	Channel No.
Bellevue, Washington	33+

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

6. 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. 83-21566 Filed 8-8-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Great Dismal Swamp National Wildlife Refuge; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; correction.

SUMMARY: A final rule was published in the **Federal Register** on September 30, 1974 (39 FR 35175), with the intent of adding Great Dismal Swamp National Wildlife Refuge to the list in 50 CFR of areas open to the hunting of big game. This refuge was not added to the list because of an administrative error in the final rule. This document corrects that error.

EFFECTIVE DATE: August 9, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. 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 list of areas open for the hunting of big game is found in 50 CFR 32.31. The final rule, published on September 30, 1974 (39 FR 35175), opening Great Dismal Swamp National Wildlife Refuge to big game hunting erroneously referred to the list as § 32.32. The result was that the refuge was not listed in § 32.31. It was clearly the intent of the 1974 final rule to open this refuge to big game hunting. The special regulations promulgated for that hunt were published in the same rule. For these reasons, good cause has been found to make this rule effective immediately upon publication. This correction adds Great Dismal Swamp National Wildlife Refuge to 50 CFR 32.31, list of open areas; big game.

List of Subjects in 50 CFR Part 32

Hunting, National Wildlife Refuge System, Wildlife, Wildlife refuges.

PART 32—HUNTING

Accordingly 50 CFR 32.31 is corrected by making the following addition to the Virginia list:

§ 32.31 List of open areas; big game.

Virginia

* * * * *

Great Dismal Swamp National Wildlife Refuge

* * * * *

Dated: July 27, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-21556 Filed 8-8-83; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 48, No. 154
Tuesday, August 9, 1983

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1004

[Docket No. A0-160-A61]

Milk in the Middle Atlantic Marketing Area; Decision on Proposed Amendments to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision lowers the pooling requirements for reserve processing plants operated by either a cooperative association or a federation of cooperative associations. The proposed amendment, which is based on an industry proposal considered at a public hearing held May 25, 1983, is necessary to reflect current marketing conditions and to assure orderly marketing in the Middle Atlantic marketing area.

Cooperative associations supplying milk for the market will be polled to determine whether producers favor the issurance of the amended order. It must be approved by at least two-thirds of the order's producers in May 1983 to become effective.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, 202/447-7183.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. The amended order will promote orderly marketing of milk by producers and regulated handlers.

Prior documents in this proceeding:

Notice of Hearing: Issued May 11, 1983; published May 16, 1983 (48 FR 21961).

Recommended Decision: Issued July 6, 1983; published July 11, 1983 (48 FR 31659).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Philadelphia, Pennsylvania, on May 25, 1983. Notice of such hearing was issued on May 1, 1983 (48 FR 21961).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Marketing Program Operations, on July 6, 1983, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modification:

The final paragraph of the Findings and Conclusions is revised.

The material issues on the record of the hearing relate to:

1. Performance standards for pool reserve processing plants.

2. Whether emergency marketing conditions exist that warrant the omission of a recommended decision and the opportunity to file written exceptions thereto.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Performance standards for pool reserve processing plants.* The minimum percentage of a cooperative association's total milk supply or a federation of cooperative associations' total milk supply that must be delivered to pool distributing plants in order to pool the cooperative's or federation's reserve processing plant should be reduced from 40 to 30 percent.

Presently, the order provides that a reserve processing plant operated by a cooperative association at which milk is received from dairy farmers shall be a pool plant if the total quantity of fluid milk products (except filled milk) transferred from such plant to, and the milk of member producers physically received at, pool distributing plants is not less than 40 percent of the total milk of member producers during the month. Likewise, a reserve processing plant operated by a federation of cooperative associations at which milk of member producers of the cooperatives is received shall be a pool plant if the total quantity of fluid milk products (except filled milk) transferred from such plant to, and the milk of member producers of the cooperatives physically received at, pool distributing plants is not less than 40 percent of the combined milk of member producers of the cooperatives during the month.

Pennmarva Dairymen's Federation, Inc. (Pennmarva), a federation of six cooperative associations whose member producers are principal suppliers of milk to the market, proposed the change adopted herein. Several members of Pennmarva, individually or through a federation of cooperatives, operate three reserve milk processing plants (milk manufacturing plants) that are pooled under the order. These plants, which are located in Allentown and Mt. Holly Springs, Pennsylvania, and Laurel, Maryland, can handle about 5 million pounds of milk per day. Most of the market's reserve milk supplies are processed into butter, skim milk powder and hard cheese at these three plants.

The spokesman for Pennmarva testified that there have been significant changes in marketing conditions within the market since the present delivery requirement was adopted in 1979 that necessitates the adoption of the proposed modification. The changed conditions since 1979 referred to by the witness include a substantial buildup in producer receipts while Class I sales have declined. The proponent witness stated that this marketing situation, coupled with a number of distributing plant closings, has increased the proportion of producer milk that must be delivered to its members' reserve processing plants. According to the

witness, this situation is further aggravated by the need for increasing reserve milk supplies associated with the changing processing practices at distributing plants. As a result of these changes, he claimed, Pennmarva members have been experiencing greater difficulty in pooling the producer milk that has been historically associated with the three pool reserve milk processing plants operated by its members.

There was no opposition to the proposed change.

The record establishes that the supply-demand relationship for milk associated with the market has changed significantly since 1979 when the present 40 percent delivery requirement for a cooperative operated reserve processing plant was adopted. For example, during the 3-year period from 1979 to 1982, producer milk receipts increased from 5.39 billion pounds in 1979 to 6.04 billion pounds in 1982 (a 12 percent increase). During this same period, the quantity of producer milk classified as Class I milk declined from 2.91 billion pounds in 1979 to 2.79 billion pounds in 1982 (a 4 percent decrease). Consequently, the market's Class I utilization percentage of producer milk has decreased substantially since 1979 (from 54 percent in 1979 to 42 percent in 1982). These data clearly indicate significant changes in the market's supply-demand relationship for milk since the present 40 percent delivery requirement for reserve plants was adopted in 1979.

Another changed marketing condition described on the record supporting a reduction in the delivery requirement of a reserve processing plant concerns the substantial change in the market's fluid milk processing operations. Not only has there been a reduction in the number of pool plants that bottle fluid milk products six or seven days per week but also the relatively few remaining operations have become large specialized distributing plants that operate only four or five days per week. As a result, the day-to-day fluid milk requirements at such specialized plants fluctuate widely. On the heavy bottling days of the week, such plants need significant quantities of milk for their fluid operations while on weekends, the plants are closed and no milk is received. This pattern of fluctuating demand for milk at these specialized distributing plants necessitates the need for larger quantities of reserve milk on a weekly basis than when milk was received at smaller distributing plants that bottled milk six or seven days per week.

At the time of the hearing, the three plants of Pennmarva's members were maintaining their pool plant status through the order's automatic pooling feature that applies to a reserve processing plant. Under this pooling arrangement, a reserve processing plant that is a pool plant during the months of September–February shall have automatic pool plant status during the following months of March through August unles the handler requests nonpool status. In the absence of any amendment, however, Pennmarva expects that, beginning in September when the delivery requirement must be met again, it may be necessary for its members to make inefficient movements of milk to distributing plants solely for the pupose of pooling these three plants and the milk of member producers who have regularly supplied the fluid needs of the market. This would significantly increase milk transportation and hauling costs. Such inefficient marketing practices can be avoided by reducing the order's pooling requirements for reserve processing plants.

In view of the significance of the changed marketing conditions described above, lowering the minimum delivery requirements for pooling reserve processing plants operated by either a cooperative association or a federation of cooperative associations from 40 to 30 percent would allow cooperatives to continue to serve the fluid milk needs of the market in an efficient manner. Likewise, the modification adopted herein will permit cooperatives to perform needed balancing functions without causing inefficient deliveries of milk merely for the purpose of meeting the pooling requirements of the order.

2. *Whether emergency marketing conditions exist that warrant the omission of a recommended decision and the opportunity to file written exceptions thereto.* There was no need to omit the issuance of a recommended decision and opportunity to file exceptions thereto as requested.

The request for emergency action by proponents was based on the view that the Department would not have sufficient time after the hearing to issue both a recommended and final decision and make any action taken effective by September 1, 1983.

Since the Department concluded that it was feasible to issue both a recommended and a final decision in this proceeding and still have an amended order effective by September 1, interested parties were given only a limited time to file written exceptions to the findings and conclusions of the recommended decision. In view of the foregoing, the recommended decision was not omitted.

Rulings on Proposed Findings and Conclusions

A brief and proposed findings and conclusion was filed on behalf of propoent federation. This brief, proposed findings and conclusion and the evidence in the record were considered in making the findings and conclusion set forth above. To the extent that the suggested findings and conclusion filed by proponent are inconsistent with the findings and conclusion set forth herein, the requests to make such findings or reach such conclusion are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth supplement those that were made when the Middle Atlantic order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

No exceptions were received.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement [1] regulating the handling of

[1] Marketing Agreement filed as part of the original document.

milk, and an ORDER amending the order regulating the handling of milk in the Middle Atlantic marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the **Federal Register**. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

May 1983 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Middle Atlantic marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

List of Subjects in 7 CFR Part 1004

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on August 3, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

Order[3] *amending the order, regulating the handling of milk in the Middle Atlantic marketing area.*

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Middle Atlantic order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Marketing Program Operations, on July 6, 1983, and published in the **Federal Register** on July 11, 1983 (48 FR 31659), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein:

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

In § 1004.7, paragraphs (d)(1) and (d)(2) are revised to read as follows:

§ 1004.7 Pool plant.

* * * * *

(d) * * *

(1) A reserve processing plant operated by a cooperative association at which milk from dairy farmers is received if the total of fluid milk products (except filled milk) transferred from such cooperative association plant(s) to, and the milk of member producers physically received at, pool plants pursuant to § 1004.7(a) is not less than 30 percent of the total milk of member producers during the month.

(2) A reserve processing plant operated by a federation of cooperative associations at which milk of member producers of the cooperatives is received if the total of fluid milk products (except filled milk) transferred from such federation plant(s) to, and the milk of member producers of the cooperatives physically received at, pool plants pursuant to § 1004.7(a) is not less than 30 percent of the combined milk of member producers of the cooperatives during the month.

* * * * *

[FR Doc. 83-21661 Filed 8-8-83; 8:45 am]

BILLING CODE 3410-02-M

[3] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 249

[Release No. 34-20020; File No. S7-986]

Form BD and Form BDW

AGENCY: Securities and Exchange Commission.

ACTION: Request for comment on proposed revisions.

SUMMARY: The Commission is publishing for comment proposed revisions of Forms BD and BDW. These revisions were designed by the "Special Committee to Revise Form BD" ("Special Committee"), created by the North American Securities Administrators Association, Inc. ("NASAA"). The Special Committee members consisted of representatives from the National Association of Securities Dealers, Inc. ("NASD"), the New York Stock Exchange, Inc. ("NYSE"), the Securities Industry Association ("SIA"), the American Stock Exchange, Inc. ("Amex") and the staff of the Commission's Division of Market Regulation and its Office of Applications and Reports Services. The purpose of the proposed revisions is to reduce the regulatory burden upon broker-dealers. The revisions may enable broker-dealers to use a single form to register or withdraw from registration with states and the self-regulatory organizations as well as the Commission. The revised forms will also allow a broker-dealer to file amendments to its Form BD with fewer entities. Finally, the number of questions in the forms have been reduced but some questions would be broader and require greater disclosure from the broker-dealer.

DATE: Comments must be received on or before September 9, 1983.

ADDRESSES: Persons wishing to submit written comments should file three copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. S7-986. Copies of the submission and of all written comments will be available for public inspection at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Hugh T. Wilkinson, Division of Market Regulation, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549; (202) 272-3115.

SUPPLEMENTARY INFORMATION:

A. Introduction

Form BD is the form which is filed by an applicant to become registered as a broker-dealer under Section 15(b) of the Securities Exchange Act of 1934 (the "Act"). Since at least 1967 the Commission has attempted to design Form BD so that it would be utilized by the various state regulatory agencies and self-regulatory organizations as well as the Commission.[1]

The most recent major revisions of Form BD occurred in 1975.[2] The 1975 revisions were designed to implement certain proposals recommended by the Commission appointed Advisory Committee on Broker-Dealer Reports and Registration Requirements ("Advisory Committee").[3] In part, the Advisory Committee recommended ". . . the adoption of uniform laws, rules and forms to be used by the Commission, the registered national securities exchanges, the registered national securities association and the various states, etc., in the registration of broker-dealers and their agents." [4] The fundamental goal of the Commission in adopting the 1975 revisions was to eliminate unnecessary duplication and to implement a uniform form for the registration of broker-dealers for use by the states, the Commission and the self-regulatory organizations.[5]

Form BD has remained largely unchanged since 1975 and some persons in the securities industry have advocated that the form be revised again in order to make it truly uniform.[6] Currently, broker-dealer applicants still are required to file a number of different application forms or state supplements to the Commission's form in order to become registered with more than one state or self-regulatory agency. In 1981 NASAA appointed a "Special Committee to Revise Form BD" ("Special Committee").[7] The goals of the Special Committee were similar to the goals of the Advisory Committee which the Commission embraced in 1975, namely, to simplify and coordinate the registration procedures for broker-dealers in an effort to reduce costs to industry members. The proposed revisions to the forms were designed to enable a broker-dealer to file copies of the Commission's form with those states or self-regulatory organizations which choose to use it.

A second, complimentary, goal of the Special Committee was to design Form BD and Form BDW in order to be compatible with the Central Registration Depository program ("CRD").[8] The CRD will provide a computer data bank which will maintain current registration information for every broker-dealer which is a member of the NASD and/or registered with a state which participates in the CRD program ("participating state(s)"). The CRD is designed to reduce the regulatory burden on a broker-dealer by allowing it to file a single form with the CRD system and a copy of that form with the Commission and participating states. In addition, CRD promotes investor protection through its retention of current data on a broker-dealer's registration status among the participating states and the NASD.

Form BDW is the notice which is filed by a registered broker-dealer in order to withdraw from registration. Again, certain revisions are proposed to make Form BDW compatible with the CRD system. Broker-dealers withdrawing their registration from any participating state, the NASD or the Commission may be able to file one form in order to effect such a change.

B. Overview of Proposed Revisions

The proposed revisions of Form BD, if adopted, would result in a shorter form.[9] The size of the Form would be reduced from 7 pages to 5 pages. In addition, current Schedules D and F, amounting to 3 pages, would be deleted. This reduction in the size of the basic form was achieved by using a more compact format and by eliminating redundancies and condensing the information requested in certain questions. For example, the information requested in items 4, 6 and 8 of the current form are condensed into one item, item 3, on the proposed form.

The schedules to Form BD also are proposed to be shortened and modified. Schedule A, for corporate broker-dealers, would be revised to lessen the regulatory burden on new applicants and registered broker-dealers (who have the duty to amend their schedules periodically as the reported information changes) by limiting the number of persons as to whom information is requested in the Schedule. Schedules B, C and E would remain essentially the same. Schedules D and F, as they are presently structured, would be eliminated.[10]

Proposed Form BD requires more complete information from the broker-dealer as to control relationships. Items 6 and 9 request the broker-dealer to disclose any persons or entities which control it, and any securities businesses which it controls or is under common

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[1] *See* Securities Exchange Act Release No. 8125 (July 18, 1967), in which the Commission expressed its desire that Form BD would be a uniform registration form which could be used by the states and self-regulatory organizations.

[2] The current from BD was adopted by the Commission on May 16, 1975, and become effective October 1, 1975. Securities Exchange Act Release No. 11424 (May 16, 1975), 7 SEC Docket 2; Securities Exchange Act Release No. 11530 (July 10, 1975), 7 SEC Docket 343.

[3] In 1974 the Commission announced a program of implementation regarding the Advisory Committee's Report. *See* Securities Exchange Act Release No. 10612 (January 24, 1974), 3 SEC Docket 423.

[4] *See* Securities Exchange Act Release No. 11135 (December 13, 1974), 5 SEC Docket 678.

[5] *Id.*

[6] The revisions of the Form since its adoption in 1975 have been relatively minor. *See, e.g.*, Securities Exchange Act Release No. 11530 (July 10, 1975), 7 SEC Docket 343 (modification of Form to reflect 1975 amendments to Exchange Act); Securities Exchange Act Release No. 11595 (August 14, 1975), 7 SEC Docket 572 (adoption of special instructions to Form); Securities Exchange Act Release No. 11626 (August 29, 1975); 7 SEC Docket 761 (amendments of Form for use by municipal securities broker-dealers); Securities Exchange Act Release No. 12078 (February 6, 1976), 8 SEC Docket 1234 (interpretation of certain terms in Item 10 of Form BD).

[7] The Committee was a joint effort on the part of representatives from industry and various regulatory bodies. The Committee was composed of members of NASAA, the NASD, the NYSE, the SIA, the Amex and staff members from the Commission's Division of Market Regulation and the Office of Applications and Reports Services.

[8] CRD is a computer data bank which is maintained jointly by NASAA and the NASD. At this time 29 states participate in the CRD program ("participating state(s)"). It is estimated that at least 42 states will be CRD participants by September 1, 1983.

[9] The proposed Form BD and Schedules are attached hereto as Appendix A.

[10] The Special Committee considered Schedule F the most onerous feature of the current form. Although it is a schedule to the Commission's form, Schedule F is filed with individual states, not the Commission. The broker-dealer must consult the Special Instruction Sheet in order to determine what information is required by the state(s) in which it will do business. The states vary greatly in the information requested in Schedule F and this lack of uniformity creates a burden on the broker-dealer operating in many states. The Special Committee has attempted to incorporate the essential items from Schedule F into the form itself or other schedules.

control with. In addition, there is a new definition of "control" in the instructions to the form.

A new section has been proposed for Form BDW in which the broker-dealer can merely mark the appropriate box(es) for the entities from which it is withdrawing.[11] This section will make the form compatible with the CRD program and will allow the broker-dealer to indicate on one form the requested withdrawal from more than one state or regulatory entity. Otherwise, Form BDW remains unchanged in substance.

List of Subjects in 17 CFR Part 249

Reporting requirements, Securities.

C. Line-by-Line Summary of Proposed Revisions

I. Form BD:

Item 1 [Designation of Agency, Jurisdiction or Organization Form is to be filed with] The applicant will no longer be required to state which entities it is filing with. There is space preceding item 1 on the proposed form where the applicant will indicate whether a new application or an amendment is being filed. There is space for the broker-dealer's CRD number in this area. The applicant will indicate in item 2 of the new form its registration status with the states, self-regulatory agencies and Commission. For new applications, the applicant will still be required to file a copy of the form with each state and self-regulatory organization applied to. However, the broker-dealer may be required to file only two copies of any amendment—one for the Commission and one for the CRD (but it would still be required to file an amendment with any non-participating states in which it is registered).

Item 2(a) [Name and Address of Broker-Dealer] This item is not changed in any material fashion and appears as item 1 on the proposed form.

Execution [Oath that Information given by Applicant is true and accurate] The Execution has been expanded so that the applicant consents to receive service of process or other notice in any jurisdiction in which it indicates an intent to do business.

Item 2(b) and (c) [Person to contact for further information and person authorized to receive information for Broker-Dealer [These items have been deleted.

Item 3 [Designation of filing status with Jurisdictions and Organizations] This item appears as item 2 on the new form in a slightly different format.

[11] Form BDW, as proposed, is attached hereto as Appendix B.

Item 4 [indication of Broker-Dealer's Corporate/Partnership Status] This item appears as item 3 on the proposed form.

Item 5(a) [For Corporate Broker-Dealers—Date and Place of Incorporation] The information requested in this item has been included in item 3 of the proposed form.

Item 5(b) [Classes of Broker-Dealer's Equity Securities] This item has been deleted.

Item 6 [For Sole-Proprietorships—Residence Address and Social Security Number] This item is unchanged and appears as item 4 on the proposed form.

Item 7 [For Successor Broker-Dealer—Name of Predecessor[The substance of this item appears as item 5 on the proposed form. The format is changed slightly.

Item 8 [Instruction as to which Schedule Applicant is to Complete] The instruction in this item is incorporated into item 3 of the proposed form.

Item 9 [Identification of Persons with a Controlling Influence over Broker-Dealer or who have Financed Broker-Dealer] This item appears as item 6 on the proposed form. Unlike the current form, this item is no longer limited to natural persons with a controlling influence over the broker-dealer. Although there is no definition of "person" in the form, it appears that corporations and other entities as well as natural persons now would be required to report a controlling influence. In addition, a person who controls an organization which has a controlling influence over the broker-dealer still would be required to report such an indirect controlling influence. The proposed form also lacks a definition of "controlling influence." The Commission believes that the definition of "control" in the instruction for new item 9 (see p. 14, *supra*) should also be the definition for "controlling influence."

Item 10(a) [Disciplinary Actions Against Broker-Dealer] This item appears as item 7(a). There would no longer be a 10 year limitation period on the information requested. The questions in the proposed form are shorter but would require the applicant to disclose a broader range of information.

Subsection (i) [Findings that Broker-Dealer made False/Misleading Statement Relating to Securities] Has been expanded to require reporting of findings of false/misleading statements or omissions relating to commodities laws and/or to the CFTC as well as the Commission and other jurisdictions.

Subsection (ii) [Convictions] This appears as subsection (iii) and has been expanded to require the applicant to report convictions or nolo contendere pleas to *any* felony or misdemeanor, except minor traffic offenses.

Subsection (iii) [Injunction in Securities or Investment Advisory Matters] This appears as subsection (iv) and has been expanded to require the applicant to report any injunction against a party with whom the applicant was associated at the time such injunction was issued.

Subsection (iv) [Findings of Aiding or Abetting or Commission of Securities Violations] This subsection appears as subsection (v) and has been expanded to require reporting of any violations of the rules or regulations of any self-regulatory organization or commodities, banking or insurance agency, clearing agency or any other agency.

Subsections (v, vi and vii) [Denials, Suspensions and Revocations of Right to Engage in Securities or Investment Advisory Activities] These items have been simplified and condensed and appear as subsection (vi) of the proposed form.

Subsection (viii) [Finding as to Causation of Another's Denial, Suspension or Revocation of Right to Engage in Securities or Investment Advisory Activities] This subsection has been simplified and appears as subsection (vii) on the proposed form.

Subsection (ix) [Knowing Association with Securities Violator] This subsection appears as subsection (viii) on the proposed form and would be limited to associations "in any endeavor related directly or indirectly to business or financial Activities. . . ."

Subsection (x) [Willful False/Misleading Statements or Omissions to Self-Regulatory Organization] This subsection would appear as subsection (ii) on the new form. It is no longer limited to securities related activities.

Subsection (xi) [Cease and Desist Orders] This subsection would appear as subsection (ix) and would not be changed in any material respect.

Subsection (xii) [Association with or Control over Bankrupt Broker-Dealer] This subsection appears as subsection (x) and is not changed in any material respect.

Subsection (xiii) [Foreign Judgments, Orders or other Sanctions] This subsection appears as proposed subsection (xi) and is no longer limited to those foreign judgments, orders or decrees "arising out of any securities or investment advisory activities."

Item 10(b) [Commodities Related Violations and Disciplinary Actions] The information which is currently requested in this item is proposed to be incorporated into item 7(a) on the new form. Information pertaining to

commodities-related violations will no longer be segregated into a separate section.

Item 10(c) [Pending Disciplinary Proceeding Against Applicant] This item would not be changed in any material fashion and appears as item 7(b) on the proposed form. In addition, the proposed form would require the applicant to answer several new questions regarding disciplinary action. Proposed item 7(c) inquires whether the applicant has been censured or fined by a self-regulatory organization. Proposed item 7(d) requests information as to any surety bond problems. Proposed item 7(e) requires the applicant to report: (i) Any civil or administrative judgment or order where fraud or deceit was involved which has not been reported previously; (ii) whether the applicant is the subject of any pending criminal complaint, indictment or information; and (iii) whether applicant is the subject of any unsatisfied judgments.

Item 11 [Instruction to Complete item 3] This item has been deleted as a separate item. The substance of this instruction is incorporated into item 2 on the proposed form.

Item 12 [Instruction to Complete Schedule D] This item has been deleted.

Item 13 [Arrangement with others as to Books/Records or to Act as Introducing Broker-Dealer] This item is not changed in any material way and appears as item 8 on the proposed form.

Item 14(a) [Control By or Of Others in Securities Business] This item appears as item 9 on the proposed form. The question itself is unchanged; however, the form now refers the applicant to the instructions for a new definition of "control". According to the instructions, "control" means "the power to direct or cause the direction of the management or policies of a company . . . ." The instructions also state that there is a rebuttable presumption of control for any person who, directly or indirectly, "(1) has the right to vote 25 percent or more of the voting securities, (2) is entitled to receive 25 percent of more of the net profits or (3) is a director (or person occupying a similar status or performing similar function) of a company. . . ." The Commission again notes that there is no definition of "person" in the proposed form. The Commission believes that this item requires natural persons as well as partnerships, corporations or other entities to report control. The intent of the Special Committee was to require those persons or organizations in the securities business which have a control relationship with the broker-dealer, either directly or indirectly, to report such relationship.

Item 14(b) [Registration as Investment Advisor] This item has been deleted. Similar information is requested in item 15(r) of the current form and in item 10(r) of the proposed form.

Item 15 [Types of Business Engaged In or to Be Engaged In by Applicant] This item is not changed in any material fashion and appears as item 10 on the proposed form.

Item 16 [Commodities or Other Non-Securities Business of Applicant] This item appears as item 11 on the proposed form.

Schedule A—This schedule is used by corporate broker-dealers to list officers, directors and owners of a significant number of the firm's equity shares. In the interest of lessening of the regulatory burden on broker-dealers (who must amend this schedule every time the employment position or ownership interest of any listed person changes), the proposed form would reduce the number of individuals that must be listed. Currently, Schedule A requires information regarding:

(a) Each officer, director, and person with similar status or functions, and (b) each other person who is, directly or indirectly, the benefifcial owner of 1% or more of any class of equity security of applicant unless applicant is the issuer of a security registered pursuant to Section 12 of the Securities Exchange Act of 1934 (or the issuer of a security which is exempted pursuant to subsections (g)(2)(B) or (g)(2)(G) thereof) in which case each other person who is, directly or indirectly, the beneficial owner of 5% or more of any such registered class of equity security of applicant.

The proposed revisions of Schedule A would limit the reporting requirements to:

(a) Each Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, Chief Legal Officer, Chief Compliance Officer, director, and person with similar status or functions, and (b) each person who is, directly or indirectly, the beneficial owner of 5% or more of any class of equity security of applicant.

Otherwise, this schedule is not changed in any material respect.

Schedule B—This Schedule is used by broker-dealers which are partnerships to list their partners' ownership interests. This Schedule is not changed in any material respect.[12]

[12] The Commission notes that the proposed Schedule B, as printed, is unclear as how a partnership interest of less than 5% is to be reported. This omission will be corrected.

Schedule C—This Schedule is used by broker-dealers which are organized in a form other than a sole-proprietorship, partnership or corporation. This Schedule is not changed in any material respect. Schedule C will still be used by such broker-dealers to identify their directors and managers.

Schedule D [Background Information as to Applicant, Control Person, Associates Subject to Disciplinary Actions, etc.] This Schedule, as it is currently structured, is proposed to be deleted. The Special Committee believed that the information requested therein is already available on Form U-4 (Uniform Application for Securities and Commodities Industry Representative and/Or Agent).[13]

Schedule E [Continuation Sheet to Supplement Information Provided in Form or Other Schedules] This schedule would appear as new schedule D; it is not changed in any material respect.

Schedule F [Supplemental Information provided for the States] This schedule would be deleted. Some of the items therein would be in Form BD itself, while others have been deleted.

II. Form BDW

The proposed form is essentially the same as the current form. The broker-dealer would merely check a box for the entity or state from which it wishes to withdraw.

Items 1–3 [Name and Address of Registrant] There are no material changes in these items and they appear as items 1–5 on the proposed form. The broker-dealer will also list his CRD number in new item 4.

Item 4 [Membership in NASD] This item would be deleted.

Items 5–10 [Registrant's Debts, Pending Legal Proceedings, Unsatisfied Judgments or Liens, Location of Books/Records and Execution] There is no material change in these items and they would appear as item 7–10.

D. *Statutory Authority*—The proposed revisions to Form BD and Form BDW would be adopted pursuant to Sections 15(b), 17(a) and 23(a) of the Act. The Commission invites public comment from all interested persons. It should be noted that the proposed Forms are presented here for review and comment of the substantive text and the format.

[13] Although Form U-4s are stored in CRD system, the Commission is not a participant in CRD and does not receive copies of Form U-4. Unless the Commission chooses to participate in the CRD program, brokerdealers may be required to file a supplement to Form BD with the Commission containing the information from this schedule. The Commission welcomes comments as to whether it should participate in the CRD progrm.

E. *Solicitation of Comments*—In order to assist the Commission in determining whether to approve the proposed revisions to Form BD and Form BDW, interested persons are invited to submit written data, views and comment concerning the submission on or before September 9, 1983. In addition, the Commission is interested in receiving views and comments regarding the desirability of Commission participation in the CRD program. Persons wishing to comment should submit three (3) copies thereof with the Secretary of the Commission, 450 5th Street, NW., Washington, D.C 20549. Reference should be made to File No. S7-986.

By the Commission.

George A. Fitzsimmons,

Secretary.

July 28, 1983.

BILLING CODE 8010-01-M

FORM BD
PAGE
1
(revised)

UNIFORM APPLICATION FOR BROKER DEALER REGISTRATION
"APPENDIX A"

OFFICIAL USE

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records or otherwise to comply with the provisions of law applying to the conduct of business as a broker-dealer would violate the Federal securities laws and the laws of the jurisdictions and may result in disciplinary, administrative, injunctive or criminal action.
INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

☐ APPLICATION ☐ AMENDMENT NASAA/NASD CRD NO. _____

1. Exact name, principal business address, mailing address, if different, and telephone number of applicant:

Full name of applicant (If sole proprietor, state last, first, and middle name): IRS Empl. Ident. No.:

Name under which business is conducted, if different:

If name of business is hereby amended, state previous name:

Firm main address:

(Number and Street) (City) (State) (Zip Code)

Mailing Address, if different:

Telephone Number:

(Area Code) (Telephone Number) WATS LINE (If any)

EXECUTION: For the purpose of complying with the laws of the State(s) I have designated in item 2 relating to either the offer or sale of securities or commodities, I hereby certify that the applicant is in compliance with applicable state surety bonding requirements and irrevocably appoint the administrator of each of those State(s), or such other person designated by law, and the successors in such office, my attorney in said State(s) upon whom may be served any notice, process or pleading in any action or proceeding against me arising out of or in connection with the offer or sale of securities or commodities, or out of the violation or alleged violation of the laws of those State(s) and I do hereby consent that any such action or proceeding against me may be commenced in any court of competent jurisdiction and proper venue within said State(s) by service of process upon said appointee with the same effect as if I were a resident in said State(s) and had lawfully been served with process in said State(s).

The undersigned, being first duly sworn, deposes and says that he has executed this form on behalf of, and with the authority of, said applicant. The undersigned and applicant represent that the information and statements contained herein, including exhibits attached hereto and other information filed herewith, all of which are made a part hereof, are current, true, and complete.

Date (Name of Applicant)

By: (Signature and Title)

Subscribed and sworn before me this ___ day of _____ 19 ___ by _____

My commission expires _____ County of _____ State of _____

ALL OF THE ITEMS ON THIS PAGE MUST BE ANSWERED AND COMPLETED IN FULL

DO NOT WRITE BELOW THIS LINE . . . FOR OFFICIAL USE ONLY

IF THERE IS AN AMENDMENT TO THIS PAGE, CIRCLE QUESTION NUMBERS AMENDED

FORM BD Page 2 Applicant Name: _____ Date: _____

OFFICIAL USE

2. To be registered with the following: (designate) "1" Initial Registration, "2" Pending, "3" Already Registered. If any license, registration or membership listed herein is of a restricted nature, explain fully on Schedule D.

☐ SECURITIES & EXCHANGE COMMISSION

SRO: ☐ ASE ☐ BSE ☐ CBOE ☐ CSE ☐ MSE ☐ NASD ☐ NYSE ☐ PHLX ☐ PSE ☐ SECO ☐ OTHER (Specify) _____

JURISDICTION:

☐ AL	☐ CA	☐ DC	☐ ID	☐ KS	☐ MD	☐ MS	☐ NV	☐ NY	☐ OK	☐ SC	☐ UT	☐ WV
☐ AK	☐ CO	☐ FL	☐ IL	☐ KY	☐ MA	☐ MO	☐ NH	☐ NC	☐ OR	☐ SD	☐ VT	☐ WI
☐ AZ	☐ CT	☐ GA	☐ IN	☐ LA	☐ MI	☐ MT	☐ NJ	☐ ND	☐ PA	☐ TN	☐ VA	☐ WY
☐ AR	☐ DE	☐ HI	☐ IA	☐ ME	☐ MN	☐ NE	☐ NM	☐ OH	☐ RI	☐ TX	☐ WA	☐ PR

3. Date of formation _____. Place of filing _____ for:

☐ Corporation - Complete Schedule A ☐ Partnership - Complete Schedule B ☐ Sole Proprietorship

☐ Other (specify) _____ Complete Schedule C

4. If applicant is a sole proprietor, state full residence address and social security number.

Social Security No.: _____

_____ (Number and Street) _____ (City) _____ (State) _____ (Zip Code)

5. Is applicant a successor to a registered broker-dealer and taking over all or substantially all of the assets and liabilities and continuing the business of a registered broker-dealer or has applicant merged with or acquired another registered broker-dealer?. . . . . YES ☐ NO ☐

If "yes," state:

(a) Date of Succession, ☐ Merger ☐ or Acquisition ☐ : _____

(b) Full name, IRS Empl. Ident. No. and SEC File No. of other broker-dealer.

Name: _____

IRS Empl. Ident. No.: _____ NASAA/NASD CRD No. _____

SEC File Number: _____

6. (a) Does any person not named in Item 1 or Schedules A, B or C, directly or indirectly through agreement or otherwise, exercise or have the power to exercise a controlling influence over the management or policies of applicant?. . . . . YES ☐ NO ☐

(If "yes," state on Schedule D the exact name of each person (if individual, state last, first, and middle names) and describe the agreement or other basis through which such person exercises or has the power to exercise a controlling influence.)

(b) Is the business of applicant wholly or partially financed, directly or indirectly, by any person not named in Item 1, or Schedules A, B or C, in any manner other than by: (1) a public offering of securities made pursuant to the Securities Act of 1933; (2) credit extended in the ordinary course of business by suppliers, banks and others; or a satisfactory subordination agreement, as defined in Rule 15c3-1 under the Securities Exchange Act of 1934 (17 CFR 240. 15c3-1)?. . . . . YES ☐ NO ☐

(If "yes," state on Schedule D the exact name (last, first, middle) of each person and describe the agreement or arrangement through which such financing is made available, including the amount thereof.)

IF THERE IS AN AMENDMENT TO THIS PAGE, CIRCLE QUESTION NUMBERS AMENDED

FORM BD Page 3 Applicant Name: _____ Date: _____

OFFICIAL USE

7. (a) State whether the applicant or any person directly or indirectly controlling, or controlled by, or under common control with applicant, including any employee has ever:

(i) been found by the Securities and Exchange Commission, Commodity Futures Trading Commission or any jurisdiction to have willfully made or caused to be made any statement which was, at the time and in the light of the circumstances under which it was made, false or misleading in any material respect or in connection with such statement, omitted to state any material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading in any application for registration or report required to be filed under the Federal securities or commodities laws or under the securities or commodities laws of any jurisdiction, or in any proceeding before the Securities and Exchange Commission, Commodity Futures Trading Commission, or any jurisdiction relating to securities or commodities, the conduct of business or registration as a broker, dealer, municipal securities dealer, investment advisor, futures commission merchant, floor broker, commodity trading adviser, commodity pool operator, member of a contract market, member of a national futures association or other securities or commodities entity or associated person thereof? . . . . . YES ☐ NO ☐

(ii) willfully made or caused to be made any statement which was, at the time and in the light of the circumstances under which it was made, false or misleading in any material respect or in connection with such statement, omitted to state any material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading in any application for membership or participation in, or to become associated with a member of, a self-regulatory organization, in any report required to be filed with a self-regulatory organization, or in any proceeding before a self-regulatory organization? . . . . . YES ☐ NO ☐

(iii) been convicted, or pleaded guilty or nolo contendere to any felony or misdemeanor except minor traffic offenses? . . . . . YES ☐ NO ☐

(iv) had any temporary or permanent injunction or administrative order entered against them or any broker, dealer, investment advisor, municipal securities dealer, bank or commodities firm, futures commission merchant, floor broker, commodity trading advisor, commodity pool operator, member of a contract market or member of a national futures association with which they were associated in any capacity at the time such injunction was entered? . . . . . YES ☐ NO ☐

(v) been found to have violated or to have aided, abetted, counselled, commanded, induced or procured the violation of any law, rule or regulation by any securities, commodities, banking or insurance agency or jurisdiction, any self-regulatory organization, or clearing agency or by any other agency or jurisdiction? . . . . . YES ☐ NO ☐

(vi) had a license, permit, certificate, registration or membership denied, suspended, revoked or restricted? . . . . . YES ☐ NO ☐

(vii) been found to be the cause of any action cited in 7(a)(vi)? . . . . . YES ☐ NO ☐

(viii) associated in any endeavor related directly or indirectly to business or financial activities with any person who is known, or in the exercise of reasonable care should be known, to be subject to a statutory disqualification? . . . . . YES ☐ NO ☐

(ix) been the subject of any cease and desist, desist and refrain, prohibition, or similar order issued by the United States or any jurisdiction? . . . . . YES ☐ NO ☐

(x) been associated as an officer, a director, a general partner, or an owner of 10 percentum or more of the voting securities in, or a person who, directly or indirectly, through agreement or otherwise, exercised or had power to exercise a controlling influence over the management or policies of a broker, dealer or municipal securities dealer which had been adjudicated bankrupt or for which a trustee has been appointed pursuant to the Securities Investor Protection Act of 1970? . . . . . YES ☐ NO ☐

(xi) been the subject of any order, judgment, decree or other sanction of a foreign court, foreign exchange, or foreign governmental or regulatory agency? . . . . . YES ☐ NO ☐

IF THERE IS AN AMENDMENT TO THIS PAGE, CIRCLE QUESTION NUMBERS AMENDED

FORM BD Page 4 Applicant Name: _____ Date: _____ OFFICIAL USE

7. (b) State whether the applicant or any person directly or indirectly controlling, or controlled by, or under common control with applicant, including any employee, is presently the subject of any proceedings in which an adverse decision would result in any of the questions in part (a) being answered "yes". . . . . YES ☐ NO ☐

(c) State whether the applicant has been censured or fined by a self-regulatory organization? . . . . . YES ☐ NO ☐

(d) State whether applicant has ever been refused a bond by a surety company or been the subject of a surety bond payment . . . . . YES ☐ NO ☐

(e) State whether applicant:

(i) Has ever been the subject of a judgment or order [other than those previously described in 7(a) thru (d)] in any civil or administrative proceeding in which fraud or deceit was an element . . . YES ☐ NO ☐

(ii) Is the subject of any pending criminal complaint, indictment, or information . . . . . YES ☐ NO ☐

(iii) State whether applicant has any unsatisfied judgments including those against any officer, director, or partner . . . . . YES ☐ NO ☐
(If the answer to any question of Item 7 is "yes", furnish details on Schedule D.)

8. Does applicant:

(a) Have any arrangement with any other person, firm or organization under which:

(1) Any of the accounts of records of applicant are kept or maintained by such person, firm, or organization? . . . . . YES ☐ NO ☐

(2) Such other person, firm or organization (other than a bank or satisfactory control location as defined in paragraph (c) of Rule 15c3-3 under the Securities Exchange Act of 1934, 17 CFR 240. 15c3-3) holds or maintains funds or securities of applicant or of any of its customers?. . YES ☐ NO ☐

(b) Have any arrangement with any other broker or dealer under which applicant refers or introduces customers to such other broker or dealer? . . . . . YES ☐ NO ☐

(If the answer to any question of Item 8 is "yes," furnish as to each such arrangement the full name and principal business address of the other person, firm, or organization, and the summary of each such arrangement on Schedule D.)

9. Does applicant control, is applicant controlled by, or is applicant under common control with, directly or indirectly, any partnership, corporation, or other organization engaged in the securities or investment advisory business? . . . . . YES ☐ NO ☐

(If "yes," state full name and principal business address of such partnership, corporation, or other organization and describe the nature of control on Schedule D. See instructions for definition of control.)

IF THERE IS AN AMENDMENT TO THIS PAGE, CIRCLE QUESTION NUMBERS AMENDED

FORM BD Page 5 Applicant Name: _____ Date: _____

OFFICIAL USE

10. Check types of business engaged in (or to be engaged in, if not yet active) by applicant. Do not check any category which accounts for or is expected to account for less than 10% of annual revenue from the securities or investment advisory business.

(a) Exchange member engaged in exchange commission business . . . . . ☐

(b) Exchange member engaged in floor activities . . . . . ☐

(c) Broker or dealer making inter-dealer markets in corporate securities over-the-counter . . . . . ☐

(d) Broker or dealer retailing corporate securities over-the-counter. . . . . ☐

(e) Underwriter or selling group participant (corporate securities other than mutual funds) . . . . . ☐

(f) Mutual fund underwriter or sponsor . . . . . ☐

(g) Mutual fund retailer . . . . . ☐

(h) U.S. government securities dealer . . . . . ☐

(i) Municipal securities dealer . . . . . ☐

(j) Municipal securities broker . . . . . ☐

(k) Broker or dealer selling variable life insurance or annuities. . . . . ☐

(l) Solicitor of savings and loan accounts . . . . . ☐

(m) Real estate syndicator . . . . . ☐

(n) Broker or dealer selling oil and gas interests . . . . . ☐

(o) Put and call broker or dealer or option writer . . . . . ☐

(p) Broker or dealer selling securities of only one issuer or associated issuers (other than mutual funds) . . . . . ☐

(q) Broker or dealer selling securities of non-profit organizations (e.g., churches, hospitals.) . . . ☐

(r) Investment advisory services . . . . . ☐

(s) Broker or dealer selling tax shelters or limited partnerships. . . . . ☐

(t) Other (give details on Schedule D) . . . . . ☐

	YES	NO
11. (a) Does applicant effect transactions in commodity futures, commodities or commodity options as a broker for others or dealer for its own account?	☐	☐
(b) Does applicant engage in any other non-securities business? (If "yes," describe each such other business briefly on Schedule D.)	☐	☐

Schedule A of FORM BD

OFFICIAL USE

FOR CORPORATIONS

Applicant Name: _____

Date: _____

(Answers in response to ITEM 3 of FORM BD.)

I. Complete and mark appropriate columns for (a) each Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, Chief Legal Officer, Chief Compliance Officer, director, and person with similar status or functions, and (b) each other person who is, directly or indirectly, the beneficial owner of 5% or more of any class of equity security of applicant. Place an asterisk (*) after the names of the persons for whom a change in title, status, or stock ownership is being reported. Place a double asterisk (**) after the names of persons which are ADDED to those furnished in the most recent previous filing. Designate percentage of ownership as follows: If 5% to less than 10%, enter "A," 10% to less than 25%, enter "B," 25% to less than 50%, enter "C," 50% to less than 75%, enter "D," 75% to 100%, enter "E."

FULL NAME			RELATIONSHIP			Official Use Only	Ownership Code	Class of Equity Security	Social Security Number
			Beginning Date		Title or Status				
Last	First	Middle	Mo.	Yr.					
						01			
						02			
						03			
						04			
						05			
						06			
						07			
						08			
						09			
						10			
						11			
						12			
						13			
						14			
						15			
						16			
						17			
						18			
						19			
						20			

II. List below names reported in the most recent previous filing pursuant to this item which are DELETED hereby:

FULL NAME			Ending Date		Social Security Number
Last	First	Middle	Mo.	Yr.	

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page.

Schedule B of FORM BD

FOR PARTNERSHIPS

OFFICIAL USE

Applicant Name: _____

Date: _____

(Answers in response to ITEM 3 of FORM BD.)

I. List all general, limited, and special partners. For each partner, complete and mark appropriate columns below. Place an asterisk (*) after the names of persons for whom a change in title, status, or partnership interest is being reported. Place a double asterisk (**) after the names of persons which are ADDED to those furnished in the most recent previous filing. Designate percentage of capital contribution as follows: If none enter "none," 5% to less than 10%, enter "A," 10% to less than 25%, enter "B," 25% to less than 50%, enter "C," 50% to less than 75%, enter "D," 75% to 100%, enter "E."

FULL NAME Last	First	Middle	Beginning Date Mo.	Yr.	Type of Partner	Official Use Only	Contribution Code	Social Security Number
						01		
						02		
						03		
						04		
						05		
						06		
						07		
						08		
						09		
						10		
						11		
						12		
						13		
						14		
						15		
						16		
						17		
						18		
						19		
						20		

II. List below names reported in the most recent previous filing pursuant to this item which are DELETED hereby:

FULL NAME Last	First	Middle	Ending Date Mo.	Yr.	Social Security Number

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page.

OFFICIAL USE

Schedule C of FORM BD

FOR APPLICANTS OTHER THAN SOLE PROPRIETORS, PARTNERSHIPS AND CORPORATIONS

Applicant Name: _____

Date: _____

(Answers in response to ITEM 3 of FORM BD.)

I. List below any person, including a trustee, who directs, manages, or participates in directing or managing the affairs of applicant. As to each person listed below, state his title or status and describe the nature of his authority and his beneficial interest in applicant. Place an asterisk (*) beside the names of persons for whom a change in title, status, or interest is being reported. Place a double asterisk (**) after the names of persons which are ADDED to those furnished in the most recent previous filing.

FULL NAME			RELATIONSHIP			Social Security Number	Description of Authority and Beneficial Interest
			Beginning Date		Title or Status		
Last	First	Middle	Mo.	Yr.			

II. List below names reported in the most recent previous filing pursuant to this item which are DELETED hereby:

FULL NAME			Ending Date		Social Security Number
Last	First	Middle	Mo.	Yr.	

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page.

Schedule D of FORM BD

OFFICIAL USE

Applicant Name: _____

Date: _____

(Use this Schedule to report details of affirmative responses to questions on Form BD.)

Item of Form (Identify)	Answer

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page. Please circle amended items.

Schedule E of FORM BD

Applicant Name: _____

Date: _____

Branch Office Information: Initial filing must include all business locations other than main office address. Amendments must include only those branch offices being added or amended. (See specific instructions.)

Branch ID No.	Complete Address of Branch Office	Name of Supervisor	Supervisor CRD #	Nature of Change	Effective Date

INSTRUCTIONS FOR PREPARING AND FILING FORM BD

This revision of Form BD is designed for CRD use only. Initial application for broker-dealer registration with an agency, self-regulatory organization, or jurisdiction may require information and/or documents in addition to Form BD; amendments will be limited to the Form BD and its schedules.

GENERAL INSTRUCTIONS

1. All information must be typed.

2. Each page must identify the broker-dealer ("Applicant") and the date.

3. All information required by Form BD and any accompanying Schedule/s must be submitted on the prescribed forms or mechanical reproductions thereof. All applicable questions must be answered.

4. An execution page, containing original manual signatures of the appropriate individuals, must accompany the initial Form BD filing and each amendment to the Form.

5. The information contained on Form BD is of a continuing nature and must be updated or amended at the time of changes in the required information. Amendment pages must be completed in full, with affected question numbers circled.

6. For the purpose of this form: (a) the term "agency" means any regulatory body of the Federal Government; (b) the term "jurisdiction" means a state, territory, the District of Columbia, the Commonwealth of Puerto Rico, a province of the Dominion of Canada, or any subdivision or regulatory body thereof; (c) the terms "self-regulatory organization" or "organization" mean any national securities and/or commodities exchange, any registered national securities and/or commodities association, or any registered clearing agency; (d) the term "applicant" means the broker-dealer applying for or amending a broker-dealer registration.

7. For the purpose of this form, the term "control" includes, but is not limited to,

SPECIFIC INSTRUCTIONS TO FORM BD

1. Execution Page. A current execution page must be included with submission of the initial filing and each amendment. The appropriate signatory certifies the accuracy of all information on Form BD, and attests to the broker-dealer's compliance with bonding requirements and consents to the service of process. (Note: Notary signatures must be affixed on the same date as the appropriate signatory's. See "General Instructions", Item 4 above).

2. Item 7.

If a positive response to any section of Item 7 relates to the applicant broker-dealer, enter details on Schedule D.

If a positive response to any section of Item 7 relates to a natural person who has a Form U-4 currently on file with the CRD, attach the Form U-4 amendment to the Form BD amendment. Both the individual's and the broker-dealer's CRD records will be updated.

If a positive response to any section of Item 7 relates to any person who does not have a Form U-4 on file with the CRD, enter details on Schedule D. ("Person" includes corporations, partnerships and other organizations as well as natural persons.)
Details relating to a positive response to Item 7 must include, when appropriate, the following information:

The subject/s of the reported action: the broker-dealer and/or person/s named in the action.
The title or description of the action.
Name and location of court, agency, jurisdiction, or self-regulatory organization.
Nature and date of disposition of proceeding.

3. Item 9.

(For the purpose of answering this question)

(a) Control means the power to direct or cause the direction of the management or policies of a company whether through ownership of securities, by contract or otherwise, provided, however, that:

(b) Any person who, directly or indirectly, (1) has the right to vote 25 percent or more of the voting securities, (2) is entitled to receive 25 percent or more of the Net Profits or (3) is a director (or person occupying a similar status or performing similar function) of a company shall be presumed to be a person who controls such a company;

(c) Any person not covered by (a) or (b) shall be presumed not to be a person who controls such company; and

(d) Any presumption may be rebutted on an appropriate showing.

PLEASE NOTE: ADDITIONAL INFORMATION MAY BE REQUIRED AFTER A REVIEW OF THE ANSWERS TO THIS QUESTION.

Schedule A, B, & C

For any natural person listed on Schedule A, B, or C who does not currently have Form U-4 on file with the CRD, attach completed for U-4 page 2 only. The applicant broker-dealer name must appear in either Item 24 or 25. Signatures are not required.

Schedule D

Use Schedule D when space provided in the body of Form BD is insufficient for providing details. It is the "attachment" sheet. (Do not use Schedule D as a continuation sheet for any other Schedule; use additional copies of the Schedule.)

Schedule E

The initial filing of Form BD must include Schedule E if the applicant has more than one business location. Do not list the firm's main address on Schedule E, but include all other locations on the initial filing. Amendments to Schedule E must be filed promptly, and should report only branch office changes, such as office opening or closings, changes in management, or relocation of an existing branch office. Complete all information for each office being added or amended, with the exception of the Branch ID No. for new offices. Since Schedule E also serves as a branch office application, the CRD will issue a Branch ID No. for each new office in response to this filing.

UNIFORM FORM BDW

UNIFORM REQUEST FOR WITHDRAWAL FROM REGISTRATION AS A BROKER-DEALER
"APPENDIX B"

SEC Use Only
File No:

READ INSTRUCTION SHEET ON REVERSE SIDE BEFORE PREPARING FORM. PLEASE TYPE.

1) Full Name of Broker-Dealer

2) IRS Emp. Ident. No.

3) Name under which business is conducted, if different from above:

4) NASAA/NASD CRD No.

5) Address of principal place of business: City State Zip Code
No. and Street _____

6) Date firm ceased doing business: _____

To be terminated with the following:

SRO: ☐ ASE ☐ BSE ☐ CBOE ☐ CSE ☐ MSE ☐ NASD ☐ NYSE ☐ PHLX ☐ PSE ☐ SECO ☐ OTHER (Specify) _____

JURISDICTION:

☐ AL	☐ CA	☐ DC	☐ ID	☐ KS	☐ MD	☐ MS	☐ NV	☐ NY	☐ OK	☐ SC	☐ UT	☐ WV
☐ AK	☐ CO	☐ FL	☐ IL	☐ KY	☐ MA	☐ MO	☐ NM	☐ NC	☐ OR	☐ SD	☐ VT	☐ WI
☐ AZ	☐ CT	☐ GA	☐ IN	☐ LA	☐ MI	☐ MT	☐ NJ	☐ ND	☐ PA	☐ TN	☐ VA	☐ WY
☐ AR	☐ DE	☐ HI	☐ IA	☐ ME	☐ MN	☐ NE	☐ NH	☐ OH	☐ RI	☐ TX	☐ WA	☐ PR

7) Does registrant owe any money or securities to any customer, broker, or dealer? Yes ☐ No ☐
If answer is "yes":
a) Amount of money owed _____
b) Market value of securities owed _____
c) Arrangements made for payment _____
d) A statement of financial condition in such detail as will disclose the nature and amount of assets and liabilities and the net worth of the registrant as of a date within 10 days of filing (securities of registrant or in which he has an interest must be listed in a separate schedule and valued at market price).

8) Is Broker-Dealer currently:
a) The subject of any legal action, proceeding or investigation not previously reported on Form BD? If so, furnish complete information on an attached sheet. Yes ☐ No ☐
b) The subject of any unsatisfied judgements or liens not previously reported on Form BD? If so, furnish complete information on an attached sheet. Yes ☐ No ☐

9) Name and address of the person who has or will have custody or possession of books and records. _____

Address where such books and records are or will be located: _____

10) EXECUTION: The undersigned, being first duly sworn, deposes and says that this Form has been executed on behalf of and with the authority of said Broker-Dealer. The undersigned and B/D represent that the information and statements contained herein, including exhibits attached hereto and other information filed herewith, all of which are made a part hereof, are current true and complete.

The undersigned represents that the Broker-Dealer will preserve the books and records as required by federal and state securities jurisdictions and make such records available for inspection.

DATE. _____ SIGNATURE _____

Subscribed and sworn before me this ____ day of _____ 19 ___ by _____

My commission expires _____ County of _____ State of _____

BILLING CODE 8010-01-C

GENERAL INSTRUCTIONS

1. To apply for withdrawal as a broker-dealer under Federal law, a signed original and signed copy of this Form must be filed with the Securities and Exchange Commission, Washington, D.C., 20549. To apply for withdrawal as a broker-dealer in a state jurisdiction participating in the NASAA/NASD Central Registration Depository (CRD) System, a signed copy of this Form must be filed with the CRD, Post Office Box 37441, Washington, D.C., 20013. To apply for withdrawal as a broker-dealer in a state jurisdiction not participating in the CRD System, a signed copy of this Form must be filed with that jurisdiction.

2. Each copy of this Form filed shall be executed with a manual signature by the appropriate individual.

3. A Form BDW which is not properly completed and signed will be returned as not acceptable. Acceptance of this Form does not imply that it has been filed as required or that the information submitted is true, correct or complete.

Securities and Exchange Commission Regulatory Flexibility Act Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendments to Form BD and Form BDW, set forth in Securities Exchange Act Release No. *34-20020*, if promulgated, will not have a significant economic impact on a substantial number of small entities. The reason for this certification is that the revisions to the forms are designed to coordinate the forms which must be filed in order to become registered as a broker-dealer with more than one state, self-regulatory organization or the Commission. Broker-dealers that are now registered will not be required to refile on the new forms and, on balance, the revisions do not impose any new burdens.

Dated: July 29, 1983

John S.R. Shad,

Chairman.

[FR Doc. 83-21185 Filed 8-8-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 133

[Docket No. 83N-0021]

Extra Hard Grating Cheese; Termination of Consideration of the Codex Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking; termination of consideration.

SUMMARY: The Food and Drug Administration (FDA) is terminating consideration of the establishment of a U.S. standard of identity for extra hard grating cheese based on the "Recommended International Standard for Extra Hard Grating Cheese" (Codex Standard No. C.-35) because there is not sufficient need to warrant proposing a U.S. standard for these foods.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: In the Federal Register of March 1, 1983 (48 FR 8492), FDA published an advance notice of proposed rulemaking which offered interested persons an opportunity to review the Codex standard and to comment on the desirability and need for a U.S. standard of identity for extra hard grating cheese. The Codex standard was submitted to the United States for consideration of acceptance by the Food and Agriculture Organization/World Health Organization's Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products, a subsidiary body of the Codex Alimentarius Commission. In that notice, the agency commented that a standard of identity would not be proposed if the comments received did not support a standard.

Five comments were received in response to the advance notice of proposed rulemaking. Four comments opposed adoption of the Codex standard because, in their opinion, the existing laws and regulations, including the standards of identity for parmesan and reggiano cheese (21 CFR 133.165), romano cheese (21 CFR 133.183), and hard grating cheese (21 CFR 133.148) adequately govern these styles of cheeses and assure the consumer of a safe, wholesome, and high quality product. One of these comments, and one other that did not address the need for a standard of identity for extra hard grating cheese, offered suggestions for provisions in a standard should FDA decide a standard of identity is warranted.

Having considered the comments received, FDA has concluded that there is neither sufficient interest nor need to warrant proposing a U.S. standard of identity for extra hard grating cheese at this time, under authority of section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341).

Therefore, under the procedures in 21 CFR 130.6, notice is given that the Commissioner of Food and Drugs has terminated consideration of developing a U.S. standard of identity for extra hard grating cheese based on the Codex standard. This action is without prejudice to further consideration of the development of a U.S. standard of identity for extra hard grating cheese upon appropriate justification.

FDA will inform the Technical Secretary for the Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products that imported foods which comply with the requirements of the

Codex standard may move freely in interstate commerce in this country, providing they comply with the applicable U.S. laws and regulations.

Dated: August 1, 1983.

Sanford A. Miller.

Director, Bureau of Foods.

[FR Doc. 83-21558 Filed 8-8-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 353

[Docket No. 78N-0196]

Oral Mucosal Injury Drug Products for Over-the-Counter Human Use; Tentative Final Monograph

Correction

In FR Doc. 83-20088, beginning on page 33984, in the issue of Tuesday, July 26,1983, make the following corrections:

1. On page 33985, in the second column, in the third paragraph, in the last line "F. Ed" should read "F. 2d".

2. On page 33986, in the third column, in the first complete paragraph, in the tenth line "20 milliliters" Should read "30 milliliters".

3. On page 33988, in the second column, in the nineteenth line from the bottom "with light" should read "with slight".

4. On page 33991, in the first column, in the third paragraph, in the eleventh line "final" should read "final and final".

5. On page 33993, in the first column, in § 353.20(a), in the first and second lines "healing agent" should read "cleanser".

6. Also on page 33993, in the first column, in § 353.20(b), in the first line "cleanser" should read "healing agent".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

24 CFR Part 115

[Docket No. R-83-1083]

Recognition of Jurisdictions With Substantially Equivalent Laws

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend 24 CFR Part 115, which sets forth the criteria and procedures by which HUD recognizes State and local fair housing laws that provide rights and remedies that are substantially equivalent to those provided by the Fair Housing Act (Title VIII of the Civil Rights Act of 1968). The proposed revisions are designed to simplify the recognition process and allow for more timely action in granting or withdrawing recognition.

DATE: Comments must be received on or before October 11, 1983.

ADDRESS: Interested persons are invited to submit comments regarding this proposed rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Steven Sacks, Director, Federal, State and Local Programs Division, Office of Fair Housing & Equal Opportunity, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 426-3500. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: On August 16, 1972, the Department published 24 CFR Part 115 as a final rule (37 FR 16540), with an effective date of September 15, 1972. Part 115 sets forth the procedures and criteria the Department uses in determining whether to recognize a State or local fair housing law as providing rights and remedies for discriminatory housing practices that are substantially equivalent to those provided in the Fair Housing Act.

The Department proposes to simplify Part 115, increase the flexibility of the recognition procedures, and revise the Part 115 requirements pertaining to sex discrimination.

The proposed rule would reorganize Part 115 to provide for greater clarity as follows:

Current	Proposed
115.1 Purpose	115.1 Purpose.
115.2 Procedure for recognition.	115.2 Criteria.
115.3 Criteria	115.3 Performance standards.
115.4 Issuance of recognition.	115.4 Procedure for recognition.
115.5 Temporary recognition.	115.5 Issuance of recognition.
115.6 Consequence of recognition.	115.6 Consequences of recognition.
115.7 Denial of recognition	115.7 Denial of recognition.
115.8 Performance standards.	115.8 Withdrawal of recognition.
115.9 Withdrawal of recognition.	115.9 Conferences.
115.10 Conferences	
115.11 Jurisdictions with substantially equivalent laws.	

The rule would amend existing §§ 115.1, 115.4, 115.9 and 115.10 to delete language indicating that the issuance or withdrawal of recognition is accomplished by a rulemaking proceeding amending § 115.11, which contains a list of all recognized agencies. It would provide instead for the addition or deletion of jurisdictions recognized as substantially equivalent through publication of a rule-related notice in the **Federal Register.** Section 115.11 would be deleted in its entirety. The new § 115.5 would specify the procedure for issuing recognition and the new § 115.8 would specify the procedure for withdrawing recognition. Publication of a final rule in this proceeding will be accompanied by a consolidated notice of all jurisdictions then recognized as having substantially equivalent laws. The new § 115.5 would require that HUD update and publish at least annually, as a rule-related notice, a consolidated list of recognized jurisdictions.

Actions regarding recognition of jurisdictions with substantially equivalent laws are more properly the subject of a notice procedure rather than a rulemaking, since they involve application of general rules to particular facts rather than the establishment of rules of general applicability. As rule-related notices, a notice of recognition, a notice of withdrawal of recognition or an updated notice of equivalent jurisdiction would appear in the "Rules or Regulations" section of the **Federal Register**, and would be carried in all of the **Federal Register** indexes. This should ensure quick accessibility to the information on an on-going basis.

This change would enable the Department to shorten considerably the amount of time required to respond to requests forsubstantial equivalency

recognition. Expediting recognition is important, since substantial euivalency status is a prerequisite for both receipt of complaint referrals under Section 810(c) of the Fair Housing Act, and participation in the Fair Housing Assistance Program, under which HUD provides financial assistance to State and local fair housing agencies.

This procedural change in Part 115 would in no way alter existing protections against arbitrary action. Interested parties would still have the opportunity to comment in response to a notice proposing the issuance or withdrawal of recognition before a notice implementing the action is published for effect. Further, the existing right to an appeal conference for any agency that is denied recognition or whose recognition is withdrawn would be retained.

Finally, this change would eliminate from the Code of Federal Regulations material that is outdated almost as soon as it appears in the CFR, since the recognition process is a continous one.

Paragraph (c) of the existing § 115.2 (proposed § 115.4), which provides that the Assistant Secretary may initiate the recognition process in the absence of an application for recognition, has been eliminated since HUD has never taken such action and has no desire to force recognition on an unwilling agency.

The existing § 115.3, Criteria, would be amended (as proposed § 115.2) to delete the language allowing a State or local fair housing law that does not contain adequate prohibitions respecting sex discrimination to be determined substantially equivalent. The Department has determined that the prohibitions against sex discrimination in housing are essential to an effective and comprehensive State or local fair housing law. We propose to amend § 115.3 accordingly. It is also noted that all State or local fair housing laws currently recognized by the Department contain prohibitions against sex discrimination.

The 15-day period for interested persons to submit written comments on a proposal to issue or withdraw recognition of a jurisdiction under the current §§ 115.4(b) and 115.9(c) would be changed to 30 days in proposed §§ 115.5(b) and 115.8(c). Such additional time for public comment would not unduly delay the process, since much more time would be saved by the rule's elimination of delays associate with the rulemaking process.

Section 115.5, Temporary recognition, would be removed, since it has not been used and the Department expects to resolve any issues concerning an entity's qualifications before granting recognition.

Section 115.6, Consequences of Recognition, would be amended to make it clear that before HUD will refer any complaints to a State or local agency, that agency must have executed with the department a written agreement setting forth the procedures under which HUD will refer complaints and monitor the agency's performance under this Part. Since the Memorandum of Understanding required in 24 CFR 111.104 for all agencies receiving Part III funding contains such procedures, execution of a memorandum by an agency would meet this requirement, and no further documents or agreements would be required under this section. Those few agencies which do not apply for Part III funding would be required to negotiate an agreement with the appropriate HUD Regional Office. This provision does not change Department policy. Rather, it publicizes and makes a part of the official record a practice which the Department currently pursues.

When a final rule is published in this proceeding, the public will be invited to request copies of written agreements between then recognized agencies and HUD. Thereafter, HUD plans to publish a model agreement and to give notice to the public of the contents of future agreements, pursuant to section 816 of the Fair Housing Act, by publishing a notice of the differences in executed agreements from the model and inviting requests for copies.

The section on denial of recognition, § 115.7, would provide that denial of recognition previously proposed by notice in the **Federal Register** would be published in the same manner. If, by the time this proposed rule becomes an effective final rule, any jurisdictions have been proposed for recognition by a rulemaking proceeding but no final action has been taken, the final action on such recognition will be concluded by publication of a notice.

Section 115.8, Performance Standards, would be amended so that (in proposed § 115.3) the average time period specified in paragraph (b)(5) within which a complaint, in ordinary circumstances, is to be investigated (and conciliation efforts, where applicable, to be started) would be 45 days, rather than the 30–45 days now stated in the rule. This change is intended to clarify existing policy by removing the ambiguity inherent in an average that is stated as a range.

Section 115.9, Withdrawal of Recognition, would be amended (as proposed § 115.8) to provide that the Assistant Secretary for Fair Housing and Equal Opportunity will make periodic reviews of the administration by the State and local jurisdictions of their fair housing laws to determine whether previously granted recognition should be withdrawn. This periodic review function has been added to assure that recognized agencies continue to perform adequately so that referral of complaints to them continues to provide protection substantially equivalent to that afforded by HUD processing under the Fair Housing Act.

In addition to the above amendments, minor editorial modifications have been made in other sections for clarification purposes and for consistency in terminology.

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

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

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities, because the proposed rule is primarily procedural in nature. The proposed rule would impose no additional duties on the small governmental entities receiving recognition under it.

This rule was listed as item FH&EO–5–81 under the Office of FH&EO in the Department's Semiannual Agenda of Regulations published on April 25, 1983 (48 FR 18093) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance Program number is 14.400.

OMB Control No.—In accordance with the Paperwork Reduction Act of

1980 (44 U.S.C. 3504(h)), the collection of information requirements contained in this regulation have been submitted for approval to the Office of Management and Budget (OMB). Please send any comments regarding the collection of information requirements to the Rules Docket Clerk at the address set forth above.

List of Subjects in 24 CFR Part 115

Fair housing, Intergovernmental relations.

Accordingly, 24 CFR Part 115 would be revised to read as follows:

PART 115—RECOGNITION OF JURISDICTIONS WITH SUBSTANTIALLY EQUIVALENT LAWS

Authority: Sec. 810(c), Fair Housing Act, 42 U.S.C. 3610(c), and section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

§ 115.1 Purpose.

(a) Section 810(c) of the Fair Housing Act (Title VIII, Civil Rights Act of 1968, hereinafter referred to as the "Act") provides that, wherever a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in the Act, the Secretary of HUD (hereinafter referred to as the "Secretary") shall take no action upon a complaint, pending an opportunity for the appropriate State or local government body to assume responsibility for the matter upon referral of the complaint.

(b) It is the purpose of this part to set forth:

(1) The criteria to be used in issuing or withdrawing recognition that a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices that are substantially equivalent to those provided in the Act.

(2) Performance standards for determining whether a State or local fair housing law is in fact providing such rights and remedies.

(3) The procedure by which the Assistant Secretary for Fair Housing and Equal Opportunity (hereinafter referred to as the "Assistant Secretary") issues such recognition.

(4) The procedure for denying such recognition.

(5) The procedure for withdrawing such recognition.

§ 115.2 Criteria.

(a) In order for a determination to be made that a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices that are substantially equivalent to those provided in the Act, the law or ordinance must:

(1) Provide for an administrative enforcement body to receive and process complaints;

(2) Delegate to the administrative enforcement body comprehensive authority to investigate the allegations of complaints, and power to conciliate complaint matters;

(3) Not place any excessive burdens on the complainant that might discourage the filing of complaints;

(4) Not contain exemptions that substantially reduce the coverage of housing accommodations as compared to Section 803 of the Act, which provides coverage with respect to all dwellings except, under certain circumstances, single family homes sold or rented by the owner, and units in owner occupied dwellings containing living quarters for no more than four families; and

(5) Be sufficiently comprehensive in its prohibitions to be an effective instrument in carrying out and achieving the intent and purposes of the Act, i.e., the prohibition of the following acts if they are based on discrimination because of race, color, religion, sex, or national origin:

(i) Refusal to sell or rent.

(ii) Refusal to negotiate for a sale or rental.

(iii) Making a dwelling unavailable.

(iv) Discriminating in terms, conditions, or privileges of sale or rental, or in the provision of services or facilities.

(v) Advertising in a discriminatory manner.

(vi) Falsely representing that a dwelling is not available for inspection, sale, or rental.

(vii) Blockbusting.

(viii) Discrimination in financing.

(ix) Denying a person access to, or membership or participation in, multiple listing services, real estate brokers' organizations, or other services.

However, a law may be determined substantially equivalent if it meets all of the criteria set forth in this section but does not contain adequate prohibitions with respect to one or more of the practices described in subdivisions (5) (vii), (viii), and (ix) of this paragraph.

(b) In addition to the factors described in the preceding paragraph, consideration will be given to the provisions of the law affording judicial protection and enforcement of the rights embodied in the law. However, a law may be determined substantially equivalent even though it does not contain express provision for access to State or local courts.

§ 115.3 Performance standards.

(a) Continued recognition that a State or local fair housing law provides rights and remedies substantially equivalent to those provided in the Act will be dependent upon an assessment of the agency's administration of its fair housing law to insure that the law is in fact providing substantially equivalent rights and remedies. The performance standards set forth in paragraph (b) of this section will be used in making this assessment where the State or local agency has been operating for more than one year.

(b) A State or local agency must:

(1) Consistently and affirmatively seek the elimination of all prohibited practices under its fair housing law;

(2) Consistently and affirmatively seek and obtain the type of relief designed to prevent recurrences of such practices;

(3) Establish a mechanism for monitoring compliance with any agreements or orders entered into or issued by the State or local agency to resolve discriminatory housing practices;

(4) Engage in comprehensive and thorough investigative activities; and

(5) Commence and complete the administrative processing of a complaint in a timely manner, i.e., the average time, under ordinary circumstances, for investigating a complaint and, where applicable, setting it for conciliation, should be 45 days or less.

§ 115.4 Procedure for recognition.

(a) Recognition under this part shall be based on a consideration of the following materials and information: (1) The text of the jurisdiction's fair housing law and any regulations or directives issued thereunder; (2) the organization or the agency responsible for administering and enforcing such law; (3) the amount of funds and personnel made available to such agency for fair housing purposes during the current operating year; (4) when considering agencies that have been in operation for 1 year or more, any available indicia of the agency's ability satisfactorily to administer its law consonant with the performance standards delineated in § 115.3; and (5) any additional

documents which the agency may wish to have considered.

(b) Recognition may be requested by submission of the materials and information referred to in paragraph (a) of this section by the official of the State or local government who has been assigned principal responsibility for the administration of the fair housing law. Such a request shall be filed with the Assistant Secretary for Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

§ 115.5 Issuance of recognition.

(a) If the Assistant Secretary determines, after applying the criteria set forth in § 115.2 and considering the materials and information referenced in § 115.4(a), that the law and its administration provide rights and remedies substantially equivalent to those provided in the Act, the Assistant Secretary shall inform the State or local agency in writing that the recognition provided for in this part is proposed.

(b) Notice of such proposal shall be published in the **Federal Register.** The notice shall allow interested persons and organizations not less than 30 days in which to file written comments on the proposal.

(c) If, after evaluating any comments received, the Assistant Secretary is still of the opinion that recognition is appropriate, the Assistant Secretary shall grant such recognition and shall publish notice thereof in the **Federal Register.**

(d) An agency's recognition will remain in effect until it is withdrawn by the Assistant Secretary in accordance with § 115.8.

(e) At least annually, the Department will publish, as a rule-related notice in the **Federal Register,** an updated and consolidated list of all jurisdictions recognized by the Assistant Secretary as having substantially equivalent laws.

§ 115.6 Consequences of recognition.

(a) Where all alleged violations of the Act contained in a complaint received by the Assistant Secretary appear to constitute violations of a State or local fair housing law within a jurisdiction that has been recognized as having a substantially equivalent fair housing law, the complaint will be referred promptly to the appropriate State or local agency, and no further action shall be taken by the Assistant Secretary with respect to such complaint except as provided for by the Act and §§ 105.18–105.20 of this chapter; however, the Assistant Secretary will reactivate referred complaints in cases where it is determined that the protection of the rights of the parties or the interests of justice require such action. For example, where the applicable State or local law fails to provide access to a State or local court and the complaint has not been satisfactorily resolved, such determination will be made.

(b) Notwithstanding paragraph (a) of this section, no complaint shall be referred to a State or local agency if:

(1) such complaint relates in whole or in part to an act described in subparagraphs (a)(5)(vii), (viii), or (ix) of § 115.2 or to any other act prohibited by the Act that is not prohibited by the applicable State or local law; or

(2) the State or local agency has not executed with the Assistant Secretary either:

(i) a Memorandum of Understanding in accordance with 24 CFR § 111.104(a)(2), or

(ii) a written agreement setting forth procedures for communication between the agency and the Assistant Secretary that are adequate to permit HUD to monitor the continuing equivalency of the State or local law with the Federal law.

§ 115.7 Denial of recognition.

(a) If the Assistant Secretary determines, after applying the criteria set forth in § 115.2 and considering the materials and information referenced in § 115.4(a) and any timely comments received in accordance with § 115.5, that the law and its administration do not provide substantially equivalent rights and remedies to those provided in the Act, the Assistant Secretary shall communicate that decision in writing to the State or local agency. Where recognition of a jurisdiction was previously proposed by notice in the **Federal Register,** a denial shall be published in the same manner.

(b) The Assistant Secretary's communication shall allow the agency not less than 15 days to request a conference in accordance with § 115.9.

§ 115.8 Withdrawal of recognition.

(a) The Assistant Secretary shall periodically review the administration of the laws or ordinances of the jurisdictions recognized under this part. If the Assistant Secretary finds, as a result of such review, as a result of a review upon the petition of an interested person or organization, or otherwise, that taken as a whole, the jurisdiction's administration of its laws or ordinances, or the laws or ordinances themselves, no longer meet the requirements of this part, the Assistant Secretary shall withdraw the recognition previously granted.

(b) Before the Assistant Secretary publishes notice of a proposed withdrawal of recognition, the Assistant Secretary shall inform the State or local agency in writing of the intention to withdraw recognition. The communication shall state the reasons for the proposed withdrawal and provide the agency not less than 15 days to submit data, views, and arguments in opposition and to request an opportunity for a conference in accordance with § 115.9.

(c) Notice of a proposed withdrawal shall be published in the **Federal Register.** The notice shall allow the State or local agency and other interested persons and organizations not less than 30 days in which to file written comments on the proposal.

(d) If a request for a conference in accordance with § 115.9 is not received within the time provided, the Assistant Secretary shall evaluate any arguments in opposition or other materials received from the State or local agency and other interested persons or organizations, and if after such evaluation the Assistant Secretary is still of the opinion that recognition should be withdrawn, the Assistant Secretary shall withdraw such recognition and shall publish notice thereof in the **Federal Register.**

§ 115.9 Conferences.

(a) Whenever an opportunity for a conference is timely requested by a State or local agency pursuant to § 115.7 or § 115.8, the Assistant Secretary shall issue an order designating a conference officer who shall preside at the conference. The order shall indicate the issues to be resolved and any initial procedural instructions that might be appropriate for the particular conference. It shall fix the date, time and place of the conference. The date shall be not less than 20 days after the date of the order. The date and place shall be subject to change for good cause.

(b) A copy of the order shall be served on the State or local agency and (1) in the case of a denial of recognition, on any person or organization that files a written comment in accordance with § 115.5(b), or (2) in the case of a withdrawal of recognition, on any person or organization that files a petition in accordance with § 115.8(a) or written comment in accordance with § 115.8(c). The agency and all such persons and organizations shall be deemed to be participants in the conference. After service of the order designating the conference officer and until the officer submits a recommended determination, all communications

relating to the subject matter of the conference shall be addressed to that officer.

(c) The conference officer shall have full authority to regulate the course and conduct of the conference. A transcript shall be made of the proceedings at the conference. The transcript and all comments and petitions relating to the proceedings shall be made available for inspection by interested persons.

(d) The conference officer shall prepare proposed findings and a recommended determination, a copy of which shall be served on each participant. Within 20 days after such service, any participant may file written exceptions. After the expiration of the period for filing exceptions, the conference officer shall certify the entire record, including the proposed findings and recommended determination and the exceptions thereto, to the Assistant Secretary, who shall review the record and issue a final determination within 30 days. Where applicable, this determination shall be published in the **Federal Register.**

Dated: July 19, 1983.

Antonio Monroig,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 83-21551 Filed 8-8-83; 8:45 am]

BILLING CODE 4210-28-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 5c

[LR-5-82]

Travel Expenses of State Legislators

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to travel expenses of State legislators. Changes to the applicable tax law were made by the Economic Recovery Tax Act of 1981. The regulations would provide guidance to State legislators making the election to treat their residences in their legislative districts as their tax homes.

DATE: Written comments and requests for a public hearing must be delivered or mailed by October 11, 1983. The amendments are proposed to be effective for taxable years beginning on or after January 1, 1976.

ADDRESS: Send comments and requests for a public hearing to Commissioner of Internal Revenue, Attention: CC:LR:T [LR-5-82], Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Linda M. Kroening of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3288).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 162 of the Internal Revenue Code of 1954 and to the Temporary Income Tax Regulations under the Economic Recovery Tax Act of 1981 (26 CFR Part 5c).

These amendments are proposed to provide regulations under new Code section 162(h). The amendments are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Explanation of Provisions

If a State legislator makes an election under Code section 162(h) for the taxable year, the place of residence of the legislator within the legislative district represented is considered the legislator's home for that year for purposes of Code section 162(a). Further, the legislator is considered to be away from home for business purposes on each "legislative day" during the year. The legislator is also considered to have expended for living expenses (in connection with the legislator's trade or business as a legislator) an amount determined by multiplying the number of "legislative days" during the year by the greater of the Federal per diem for the State capital or the amount generally allowable to employees of the State for per diem while away from home, not to exceed 110 percent of the Federal per diem. For taxable years after 1980, the election is available only to a legislator whose residence in the legislative district is more than 50 miles from the capitol building of the State.

Code section 162(h)(2) defines "legislative day" as any day on which the legislature is in session (including any day in a recess period that lasts not more than four days) or any day on which the legislature is not in session but the physical presence of the legislator is formally recorded at a meeting of a committee of the legislature.

Under the proposed regulations, the legislator is "in session" on those days when members would ordinarily be expected to attend the session. For example, the legislature is in session on a day on which bills are debated or voted upon or the members assemble to hear an address by the Governor or other dignitary. The legislature is not in session, however, merely because of a "pro forma" session, such as one comprised of a call to order, an opening prayer and the reading of pending bills by a clerk.

A "committee of the legislature" is defined as a committee consisting solely of members of the legislature and charged with conducting business of the legislature.

The proposed regulations specify the time and manner for making the election provided under Code section 162(h). The election may be made at any time before the expiration of the period within which the taxpayer may file a claim for credit or refund for the taxable year. The time period for making this election under the proposed regulations is longer than that prescribed by Treasury Decision 7793 (46 FR 54538) for making this election; the proposed regualtions would remove the provisions of Treasury Decision 7793 relating to this election.

Under the proposed regulations, a taxpayer making an election under section 162(h) for a taxable year may not deduct any amount for living expenses, except for the amount determined under section 162(h), for any legislative day on which the taxpayer was a State legislator. In addition, if an electing taxpayer receives from the State any reimbursment or other amount for living expenses by reason of the taxpayer's position as a State legislator, the taxpayer must include the amount received in gross income.

Special Analyses

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required.

Although this document is a notice of proposed rulemaking that solicits public comments, the Internal Revenue Service has concluded that the regulations proposed herein are interpretive and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, no Regulatory Flexibility Analysis is required by chapter 5 of title 5, United States Code.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commission of Internal Revenue. All

comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

The collection of information requirements contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act. Comments on these requirements shoud be sent to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Internal Revenue Service, New Executive Office Building, Washington, D.C. 20503. The Internal Revenue Service requests that persons submitting comments on these requirements to OMB also send copies of those comments to the Service.

Drafting Information

The principal author of these proposed regulations is Linda M. Kroening of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, on matters of both substance and style.

List of Subjects

26 CFR 1.61-1—1.281-4

Income taxes, Taxable income, Deductions, Exemptions, Travel expenses of State legislators.

26 CFR Part 5c

Income taxes, Economic Recovery Tax Act of 1981.

Proposed Amendment to the Regulations

The proposed amendments to 26 CFR Parts 1 and 5c are as follows:

PART 1—[AMENDED]

Paragraph 1. A new § 1.162-24 is added to 26 CFR Part 1 to read as follows:

§ 1.162-24 Travel expenses of State legislators.

(a) *In general.* For purposes of section 162(a), in the case of any taxpayer who is a State legislator during the taxable year and who makes an election under section 162(h) for the taxable year—

(1) The place of residence of such taxpayer within the legislative district represented shall be considered the taxpayer's home;

(2) The taxpayer shall be deemed to have expended for living expenses (in connection with the taxpayer's trade or business as a legislator) an amount equal to the sum of the amounts determined by multiplying each legislative day of the taxable year on which the taxpayer was a legislator by the greater of—

(i) The amount generally allowable with respect to that day to employees of the State of which the taxpayer is a legislator for per diem while away from home, to the extent such amount does not exceed 110 percent of the amount described in paragraph (a)(2)(ii) of this section, or

(ii) The Federal per diem with respect to that day for the taxpayer's State capital; and

(3) The taxpayer shall be deemed to be away from home in the pursuit of a trade or business on each legislative day on which the taxpayer was a legislator.

(b) *Fifty mile rule.* For taxable years beginning after December 31, 1980, section 162(h) and this section shall not apply to any State legislator whose place of residence within the legislative district represented is 50 or fewer miles from the capitol building of the State. The distance between the taxpayer's place of residence within the legislative district represented and the capitol building of the State shall be the shortest of the more commonly traveled routes between the two points.

(c) *Legislative day.* For purposes of section 162(h)(1), a legislative day during any taxable year for any taxpayer shall be any day on which—

(1) The legislature is in session;

(2) The legislature is in recess, but the recess period (including Saturday, Sunday, and any holiday) is not longer than 4 days; or

(3) The legislature is not in session but the physical presence of the taxpayer is formally recorded at a meeting of a committee of the legislature.

(d) *Definitions and special rules.* For purposes of section 162(h) and this section—

(1) *State legislator.* An individual—

(i) Becomes a State legislator on the day the individual is sworn in; and

(ii) Ceases to be a State legislator upon the end of the individual's term in office.

(2) *In session.* The legislature is in session on those days when members would ordinarily be expected to attend the session. For example, the legislature is in session on a day on which bills are debated or voted upon or the members assemble to hear an address by the governor or other dignitary. The legislature is not considered to be in session merely because of a "pro forma" session, such as one comprised of a call to order, an opening prayer and the reading of pending bills by a clerk.

(3) *Committee of the legislature.* A committee of the legislature is a committee—

(i) Consisting solely of members of the legislature; and

(ii) Charged with conducting business of the legislature.

Examples of committees charged with conducting business of the legislature are committees to which the legislature refers bills for consideration, committees that the legislature has authorized to conduct inquiries into matters of public concern, and committees charged with the internal administration of the legislature. Committees organized to promote particular causes, caucuses of members of a political party and groups organized to raise campaign funds are examples of groups that do not constitute committees charged with conducting business of the legislature.

(4) *Federal per diem.* With respect to any city, the amount referred to in section 162(h)(1)(B)(ii) and paragraphs (a)(2)(ii) and (e)(2)(iii) of this section with respect to any day is the maximum amount allowable to employees of the executive branch of the Federal Government for living expenses while away from home and serving in that city on that day. See 5 U.S.C. 5702 and the regulations thereunder.

(e) *Election*—(1) *Time of filing.* The election provided under section 162(h) for a taxable year may be made at any time before the expiration of the period within which the taxpayer may file a claim for credit or refund for the taxable year.

(2) *Manner of making election.* A taxpayer shall make the election provided under section 162(h) by attaching a statement to the income tax return (or claim for credit or refund) for the taxable year for which the election is made. Except as otherwise provided in the return or in the instructions accompanying the return for the taxable year, the statement shall—

(i) Contain the taxpayer's name and social security number and the address of the taxpayer's residence within the legislative district represented during the taxable year;

(ii) Specify the number of legislative days during the taxable year on which the taxpayer was a State legislator;

(iii) Specify the Federal per diem for the taxpayer's State capital;

(iv) Specify the amount generally allowable to employees of the State of which the taxpayer is a legislator for per diem while away from home, if that

amount is greater than the amount referred to in paragraph (e)(2)(iii) of this section; and

(v) For taxable years beginning after December 31, 1980, indicate the distance in miles between the taxpayer's residence within the legislative district represented and the capitol building of the State.

If the amount referred to in paragraph (e)(2) (iii) or (iv) changes during the taxable year, the statement should note the effective date of the change and set out the amount allowable before and after that date. If the taxpayer changes residence during the taxable year, the statement should supply the information required under paragraph (e)(2) (i) and (v) with respect to each residence and note the period during which the taxpayer occupied each residence.

(3) *Revocation of election.* An election made under this section may be revoked only with the consent of the Commissioner.

(f) *Effect of election on otherwise deductible expenditures*—(1) *Legislative day*—(i) *No other deduction for living expenses.* Except for the amount determined under section 162(h), a taxpayer making and election under section 162(h) for a taxable year may not deduct any amount for meals, lodging, or other living expenses of the taxpayer while away from home in the pursuit of a trade or business for any legislative day during the taxable year on which the taxpayer was a State legislator. The preceding sentence applies to all business travel of the electing taxpayer, regardless of the trade or business with which the travel is connected.

(ii) *Other deductible amounts.* An election under section 162(h) does not preclude the deduction of expenses other than living expenses. For example, an electing taxpayer may deduct ordinary and necessary business expenses for travel fares, telephone calls or telegrams, and local transportation, although these expenses may be subject to the substantiation requirement of section 274(d).

(2) *Non-legislative days.* Except for the fact that the residence of the electing taxpayer in the legislative district represented in considered the taxpayer's home, and election under section 162(h) has no effect on otherwise deductible expenditures by the taxpayer for business travel on any day during the taxable year other than a legislative day on which the taxpayer was a State legislator. Thus, an electing taxpayer may deduct expenditures (including otherwise allowable amounts for meals, lodging and other living expenses) for business travel on non-legislative days, whether that travel relates to the taxpayer's trade or business as a legislator or some other trade or business

(g) *Amounts received for living expenses includible in income.* If a taxpayer who makes an election under section 162(h) for a taxable year receives from the State any payment, reimbursement or other amount for living expenses with respect to the taxpayer's position as a State legislator for the taxable year (whether or not characterized as a per diem), the taxpayer shall include the amount received in gross income.

(h) *Effective date.* This section is effective for taxable years beginning on or after January 1, 1976.

PART 5c—[AMENDED]

§ 5c.0 [Amended]

Par. 2. Section 5c.0 of 26 CFR Part 5c is amended by removing from the table in paragraph (a)(1) the item relating to section 127(a) of the Economic Recovery Tax Act of 1981 and by removing paragraph (a)(2)(iv).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83-21701 Filed 8-8-83; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. 14; A-2-FLR 2412-5]

Approval and Promulgation of Implementation Plans; New Jersey 1982 Ozone and Carbon Monoxide Attainment Plan

AGENCY: Environmental Protection Agency.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This notice announces receipt and proposes approval of supplemental information submitted by New Jersey with regard to its State Implementation Plan (SIP). The need for this information was identified by the Environmental Protection Agency (EPA) in its February 3, 1983 (48 FR 5144) **Federal Register** proposal on the New Jersey ozone and carbon monoxide SIP.

On July 11, and July 28, 1983 New Jersey submitted to EPA new legislation, programs and schedules concerning the development and implementation of "extra-ordinary" control measures and the revitalization and expansion of the State's motor vehicle emissions inspection and maintenance program. The supplemental information also includes an updated inventory of volatile organic compound emissions and criteria and procedures for ensuring conformity between the SIP and transportation plans, programs and projects in northern New Jersey.

DATE: EPA must receive comments on or before September 9, 1983.

ADDRESSES: All comments should be addressed to: Jacqueline E. Schafer, Regional Administrator, Environmental Protection Agency, Region II, Jacob K. Javits Federal Building, 26 Federal Plaza, Room 900, New York, New York 10278.

Copies of the proposed revision are available for public inspection during normal business hours at:

Environmental Protection Agency, Region II, Jacob K. Javits Federal Building, 26 Federal Plaza, Room 1005, New York, New York 10278, and

New Jersey Department of Environmental Protection, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08625.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II, Jacob K. Javits Federal Building, 26 Federal Plaza, Room 1005, New York, New York 10278; and (212) 264-2517.

SUPPLEMENTARY INFORMATION:

I. Background

In response to provisions of the 1977 Amendments to the Clean Air Act, on December 29, 1978 the State of New Jersey submitted to the Environmental Protection Agency (EPA) a revision to its State Implementation Plan (SIP). This revision presented a program to continue the State's efforts towards attainment of the ozone and carbon monoxide air quality standards. EPA approved this revision on March 11, 1980 (45 FR 15531); however, because the State requested and received an extension to December 31, 1987 for attainment of the standards, the State was required to submit another SIP revision by July 1, 1982.

On October 8, 1982, the New Jersey Department of Environmental Protection (NJDEP) submitted a draft of the required SIP revision. Public hearings were held by the State on its draft SIP revision on October 14, 19, and 20, 1982 and the document was supplemented with additional information on November 23, 1982. Based on EPA's review of these two submittals, on February 3, 1983 (48 FR 5144) EPA proposed approval of the draft SIP revision. (The reader is referred to this February 3, 1983 notice for a complete description of New Jersey's ozone and

carbon monoxide control program.) This proposal approval noted that EPA's final action would be dependent on its analysis of comments received during the EPA public comment period and on the content of the final SIP ultimately adopted by the State.

Also, in its February 3, 1983 notice, EPA identified three elements of the draft SIP revision which needed additional development before EPA could take final approval action. These related to:

- Selection of specific extraordinary control measures, including specific schedules for their implementation and applicable changes to the emission inventory,
- A description and analysis of the motor vehicle emissions inspection and maintenance (I/M) program to be implemented by the State, and
- Criteria and procedures to determine conformity between the SIP and transportation plans, programs and projects.

On January 18, 1983, the govenor submitted a final SIP revision (this fact was not reflected in EPA's February 3, 1983 notice), which was supplemented with information from NJDEP on February 14, 1983. Neither of these submittals affect the findings made by EPA in its February 3, 1983 proposal.

The informational needs identified by EPA in its February 3, 1983 **Federal Register** proposal were submitted by NJDEP on July 11, and July 28, 1983. It is these two submittals which are treated in today's notice.

II. Discussion and Review of Supplemental Information

This section discusses the major elements of the State's July 11, and July 28, 1983 submittals. More detailed information concerning EPA's review of this information is contained in an addendum to the Technical Support Document for EPA's February 3, 1983 proposal. This document is available for public inspection at the locations identified in the "Addresses" section of today's notice.

A. Extraordinary Measures

1. *Introduction.* The New Jersey October 8, 1982 SIP submittal, in addition to providing for the implementation of measures commonly associated with reasonably available control technology (RACT), identified and included a commitment to adopt sufficient extraordinary measures to provide the emission reductions required to demonstrate attainment of the ozone standard in the New Jersey-New York-Conncecticut Air Quality Control Region (NJ–NY–CT AQCR). As mentioned earlier, in its evaluation of this element of the SIP, EPA found it necessary to require the State to select and describe those specific measures that the State intended to implement and to provide a schedule for their implementation.

2. *SIP Contents.* The New Jersey July 11, and July 28, 1983 submittals contain commitments to the development of selected extraordinary control measures, descriptions of the control measures, a schedule with interim milestones for their development and implementation, and estimates of their effectiveness in reducing emissions of volatile organic compounds (VOCs). A listing of these measures, including their estimated reduction in VOC emissions, is presented in Table 1. These measures are in addition to the RACT measures also committed to in the SIP. The remainder of this section describes each measure more fully. Final compliance with all measures will be attained by December 31, 1987 according to the implementation schedule contained in Table 2. The State has already initiated action for the development of the RACT measures (See the February 3, 1983 notice for the implementation schedule for the RACT measures).

TABLE 1. EXTRAORDINARY CONTROL MEASURES (NJ-NY-CT AQCR)

[Emission Reduction from 1960 Baseline Emissions]

Control measures	Metric tons per day
Barge and tanker gasoline loading	10
Landfill emissions	5
Hazardous waste combustion	5
Lower emission rate exclusions for industrial processes	11
Lower coating rate exclusions for industrial surface coating operations	39
Automobile refinishing operations	7
Architectural surface coating	24
I/M modifications	11
Consumer/commercial solvent use	15
Total	127

Table 2. Schedule for implementation of extraordinary measures

Begin evaluation of control technology for extraordinary measures.	Jan. 1, 1985.
Propose appropriate regulatory revisions.	Jan. 1, 1986.
Adopt proposed regulatory revisions.	Jan. 1, 1987.
Compliance with extraordinary measures.	Dec. 31, 1987.

a. *Barge and Tanker Gasoline Loading.* The July 11, 1983 submittal contains a commitment to control the emissions of gasoline vapors at barge loading facilities. The State anticipates requiring a 90 percent reduction in emissions and identifies possible approaches to control.

b. *Landfill Emissions.* The NJDEP Division of Waste Management currently implements a State regulation, Subchapter 2, "Closure and Post-Closure Care of Sanitary Landfills," of the New Jersey Administrative Code (N.J.A.C. 7:26–2.9), concerning the closure of landfills. This regulation requires the installation of gas venting wells. The NJDEP will further require that all such vents emitting VOCs at a rate greater than the exclusion rate contained in the regulation, "Control and Prohibition of Air Pollution by Volatile Organic Substances" (N.J.A.C. 7:27–16.6), have such emissions controlled by 95 percent.

c. *Hazardous Waste Combustion.* The NJDEP Division of Waste Management under provisions of Chapter 26, "Bureau of Solid Waste Management" (N.J.A.C. 7:26), regulates the management of hazardous wastes. One aspect of this regulation requires the disposal of hazardous wastes, which include hazardous VOCs, through combustion in large boilers or incinerators at very high control efficiencies. In addition, the NJDEP is developing revisions to its regulations that strengthen the combustion requirements for those hazardous wastes which are currently classified as "fuels." Combustion of such "fuels" will also only be allowed in boilers capable of providing high combustion efficiencies. This measure will eliminate the low efficiency combustion currently taking place. The State has taken credit for the VOC emission reductions which will result from the adopted regulations and necessary future revisions.

d. *Lower Emission Rate Exclusions for Industrial Processes.* The existing NJDEP regulation for control of industrial processes, Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Substances" (N.J.A.C. 7:27–16.6), provides an exclusion for small industrial sources. This exclusion is dependent on the vapor pressure and concentration of VOCs in the discharged gas and ranges from 0 to 7 pounds per hour. It was originally promulgated to minimize the number of regulated sources while still obtaining high overall emission reductions. The State is proposing to lower the exclusion rates by 50 percent.

e. *Lower Coating Rate Exclusions for Industrial Surface Coating Operations.* The existing NJDEP regulation for control of industrial surface coating operations (N.J.A.C. 7:27–16.5) provides an exclusion for small sources whose use of surface coatings does not exceed

one gallon per hour and five gallons per day. The State is proposing to lower this exclusion rate by 50 percent. In addition, the State has reevaluated the effectiveness of the existing provisions, particularly as they relate to small sources, and has determined that the emission reductions originally credited to them were underestimated. Therefore, the State has revised the VOC reduction it credits to this category.

f. *Automobile Refinishing Operations.* The July 11, 1983 submittal contains a commitment to control VOC emissions from automobile refinishing operations. The State estimates that a 60 percent reduction in emissions can result from requiring enclosed spray booths, control devices or low solvent coatings for these operations.

g. *Architectural Coating Operations.* The July 11, 1983 submittal contains a commitment to require the use of low solvent architectural coatings.

h. *I/M Modifications.* The July 11, 1983 submittal contains a commitment to expand the New Jersey I/M program. This expansion consists of RACT measures and extraordinary measures. The extraordinary measures include:

- Inspection of light and heavy duty diesel vehicles, and
- More stringent emission standards and test procedures.

The I/M program and its review by EPA are discussed in Section II.C of today's notice.

i. *Consumer/Commercial Solvent Use.* The July 25, 1983 submittal contains a commitment to control VOC emissions from consumer/commercial solvent use. This relates to the control of a broad category of products that contain VOCs usually as part of their formulation or for purposes of their application. New Jersey will be working with other states to reduce emissions from this category by requiring reformulation, product substitution or other methods, as appropriate. Part of this effort will involve updating the emission factor for this category.

j. *Control Outside of NJ–NY–CT AQCR.* The State will be implementing the extraordinary measures described earlier on a statewide basis. Thus, VOC emissions will not only be reduced in the NJ–NY–CT AQCR, but also will be reduced in upwind areas. This benefits the NJ–NY–CT AQCR by lowering, beyond which was originally anticipated, the concentration of precursor VOC's being transported into the AQCR from upwind areas. As a result, the VOC emission reduction necessary to provide for attainment of the ozone standard in the NJ–NY–CT AQCR is lowered from 60 to 59 percent, or 11 metric tons per day. This was calculated by the use of the EPA-approved City-specific Empirical Kinetic Modeling Approach, with consideration of the statewide application of extraordinary and RACT measures, and recent changes to the emission inventory.

3. *EPA Review.* EPA finds that New Jersey's July 11 and July 28, 1983 supplemental submittals adequately identify the State's program of extraordinary measures. The submittals contain the required schedule for development and implementation of these measures, including provisions for their further evaluation. EPA believes that the schjedule is appropriate since it allows the State to continue its development of the RACT measures and to obtain the additional information it needs to assess the availability and effectiveness of control technology for the extraordinary measures.

Although the measures require additional study to confirm their estimated effectiveness and, for some, the most reasonable method of implementation, the assumptions made by the State appear to be reasonable. (See Section II.C.3 for discussion of the EPA review of the I/M program, including the I/M extraordinary measures.) Consequently, EPA proposes to approve the extraordinary measures.

B. Emission Inventory

1. *Introduction.* In its February 3, 1983 notice, EPA identified the need for the State to update the SIP's emissions inventory in relation to the extraordinary measures chosen by the State. The State has provided this additional information and has taken the opportunity to update other aspects of its inventory of VOC emissions to reflect the most current data available.

2. *SIP Content.* The VOC emission inventory contained in the July 28, 1983 supplemental submittal includes emissions data for the NJ–NY–CT AQCR for both the baseline year (1980) and attainment year (1987) of the SIP. The inventory reflects changes related to:

- Extraordinary control measures,
- Gasoline production, transportation and handling,
- Landfills,
- Hazardous waste combustion, and
- Other minor miscellaneous changes.

A summary of the revised inventory for the NJ–NY–CT AQCR is contained in Table 3.

TABLE 3. VOC EMISSIONS IN THE NJ–NY–CT AQ CR

[Metric tons per day]

Source	1980 Baseline		1987 with RACT measures only		1987 with RACT and extraordinary measures	
	Original	Revised	Original	Revised	Original [1]	Revised
Industrial	436	434	258	233		183
Highway	364	365	128	125		114
Other	253	259	205	195		129
Total	1,053	1,058	591	553	421	[2] 426

[1] The State provided three alternative distributions of possible emissions in its draft SIP.
[2] Emission target for attainment is 434 metric tons per day.

In addition to the revisions made to the emission inventory for the NJ–NY–CT AQ CR, the State also updated the VOC emission inventory for the Metropolitan Philadelphia AQ CR to reflect the majority of the changes mentioned earlier in the inventory for the NJ–NY–CT AQ CR.

3. *EPA Review.* EPA finds that the State's revisions to its emission inventories are reasonable and proposes to approve them. However, as noted later in Section II.C.3 of today's notice, EPA believes that the emission reduction associated with the I/M program is incorrect. Thus, EPA recommends that the State revise its inventory to reflect the correct emission reduction.

C. Inspection and Maintenance Program

1. *Introduction.* The State's October 8, 1982 SIP submittal noted that New Jersey's state-operated centralized I/M program was changed, by order of the Governor, on August 1, 1982. Because of difficulties that the State was experiencing in the operations of its inspection centers, the frequency of inspection was reduced from once a year to every other year. This reduced the effectiveness of the I/M program, however, the October 8, 1982 submittal identified ten options that were being considered by the State for the future of the I/M program. The submittal also noted that the State was committed to restoring the I/M program to its pre-August 1982 effectiveness and to expanding the program to provide even greater emission reductions than were

previously being achieved. On July 1, 1983 the State returned to annual inspections as required by the existing SIP.

2. *SIP Contents.* The July 11, 1983 submittal contains amendments, effective September 8, 1983, to the State's "Motor Vehicle and Traffic Regulations," Title 39 of the Revised Statutes. This motor vehicle law was signed by the Governor on June 30, 1983 and requires the following:

- The New Jersey Division of Motor Vehicles (NJDMV) must establish by September 30, 1983 standards for licensing reinspection centers as official inspection stations for a twelve-month trial period. This will create a combination state-run centralized and privately-run decentralized I/M program.
- NJDMV must begin inspecting commercial vehicles by January 1, 1985. These vehicles were previously exempt from emissions inspection.
- NJDMV must inspect annually at random roadside locations at least one percent of the total number of registered motor vehicles. This program began in August 1982.
- NJDEP must adopt standards for the certification of emission test equipment by September 30, 1983.
- NJDMV in cooperation with NJDEP must adopt regulations establishing standards for the training and certification of mechanics employed by licensed official inspection stations by September 30, 1983.

The motor vehicle law establishes the combination centralized/decentralized program for twelve months during which time the State will study its effectiveness. If the program is found to be effective, it will be made permanent; if not, the State will return to its preexisting centralized only program.

In addition to the above changes specifically required by the law, the State is committed to expand the I/M program as originally described in its October 8, 1982 submittal. These commitments, all of which are scheduled for implementation during 1985, are:

- More stringent standards for post-1980 model year vehicles,
- I/M for heavy-duty gasoline vehicles,
- Anti-tampering/malfunction diagnosis of pollution control equipment, and
- Reduction of the two-year exemption from inspection for new cars to one year.

In addition, as identified earlier in Section II.A.2.h. of this notice, the I/M program will be expanded to also include extraordinary measures. The supplemental SIP revision contains a commitment to meet the stated objectives of the I/M program whether or not the State continues with its combination centralized/decentralized program or reverts to a centralized only program after the twelve month trial period. Table 4 presents the VOC reductions that the state projects will take place in the NJ–NY–CT AQCR as a result of the I/M program.

TABLE 4. EMISSION REDUCTIONS FROM THE NEW JERSEY I/M PROGRAM (NJ–NY–CT AQCR)

[Emission reduction]

	Metric tons per day
Program that took effect on July 1, 1983	60
Program expansions to take effect during 1985	24
Subtotal	84
Extraordinary I/M measures to take effect by December 31, 1987	11
Total	95

Detailed analysis of the carbon monoxide problem areas in New Jersey was contained in the State's October 8, 1982 submittal. The State demonstrates attainment by 1987 in all carbon monoxide nonattainment areas through the application of transportation control measures and the expansion of its I/M program. The necessary expansion of the I/M program is committed to in the State's July 11, 1983 submittal.

3. *EPA Review.* EPA reviewed the I/M program with regard to the following criteria:

1. Inspection test procedures,
2. Emission standards,
3. Inspection station licensing requirements,
4. Emission analyzer specifications and maintenance calibration requirements,
5. Record keeping and record submittal requirements,
6. Quality control audit and surveillance procedures,
7. Procedures to insure that non-complying vehicles are not operated on public roads,
8. Other rules, regulations and procedures,
9. A public awareness plan,
10. A mechanics training program,
11. Basic SIP requirements, including providing adequate resources to implement the program, and
12. Compliance with reasonably available control technology.

As a result of this review, EPA finds that the supplemental SIP revision provides for the implementation of an adequate I/M program. However, since the I/M program, as modified and expanded, will now include initial inspections at privately-run stations in addition to state-run stations, EPA needs proper assurance that all inspections will be conducted correctly. In order to ensure adequate quality control, EPA requires that as part of the monthly audit of the privately-run stations, gas calibration checks should be conducted. It is EPA's understanding that gas calibration checks at privately-run reinspection stations currently are conducted bi-monthly. However, the motor vehicle law now requires monthly inspections and audits, including test equipment calibrations. Thus, upon implementation of inspections at privately-run stations, the NJDMV will conduct monthly audits of which gas calibrations will be a part. Consequently, EPA finds the quality control provisions in the supplemental SIP revision to be adequate.

EPA also has interest in overall standards by which the privately-run stations will operate. The motor vehicle law requires the NJDMV, in cooperation with NJDEP, to adopt regulations establishing standards for all licensed stations designated as official inspection stations. The law requires that these new regulations be adopted by September 30, 1983. The new regulations will be contained in Appendix 12, Attachment 14 of the SIP. EPA believes that it is necessary for it to review the regulations, when adopted, before taking final rulemaking action on the I/M program. The existing standards for the reinspection stations are contained in the SIP (Appendix 12, Attachment 5) and assuming that the standards established in the new regulations are substantially the same or equivalent to the existing standards, EPA proposes to approve them.

EPA has reviewed the emission reduction that the State associates with the I/M program and believes that the reduction estimated by the State appear to be greater than what can be expected to be obtained. EPA believes that the 95 metric tons per day reduction associated with the I/M program should be lowered to 87 metric tons per day. It should be noted that even with this lowering of the emission reduction by 8 metric tons per day, the total reduction expected in the NJ–NY–CT AQCR remains adequate to provide for attainment of the ozone standard by 1987. Consequently, with the understandings and requirements noted earlier, EPA proposes to approve the I/M program.

D. Transportation Conformity

1. *Introduction.* The October 8, 1982 SIP submittal contained transportation

control measures (See February 3, 1983 notice). However, it also noted that the Metropolitan Planning Organization for northern New Jersey had recently gone out of existence. It was replaced by the North Jersey Transportation Coordinating Council (NJTCC). As indicated in the EPA's February 3, 1983 notice, the NJTCC had not adopted the necessary criteria and procedures to ensure that the transportation plans, program and projects which it approves conform to the SIP.

2. *SIP Content.* The supplemental submittal (Appendix 49) provides criteria and procedures for determining conformity between the SIP and transportation plans, programs and projects in northern New Jersey. The criteria and procedures include an assessment of the air quality effects of individual and collective transportation activities. The Transportation Improvement Program (TIP) will be reviewed for its contribution to helping the State achieve reasonable further progress towards attainment of air quality standards and to ensure that all transportation projects committed to in the SIP are contained in the TIP. Finally, the document outlines procedures by which individual projects will be evaluated for their air quality impacts.

The criteria and procedures were reviewed on July 25, 1983 by the NJTCC Technical Advisory Committee. They are now being considered for adoption by the NJTCC.

3. *EPA Review.* Assuming the criteria and procedures as presented are formally adopted by the NJTCC, EPA finds that they adequately ensure that transportation plans, programs and projects approved by the NJTCC conform to the SIP. Consequently, EPA proposes to approve this element of the SIP.

III. Conclusions

EPA is proposing approval of the supplemental information submitted by the State on July 11, and July 28, 1983. EPA is soliciting comments only on the material discussed in today's notice.

The Administrator's decision to approve or disapprove this submission will be based upon the comments received and on whether the SIP revision as a whole meets the requirements of Section 110 and Part D of the Clean Air Act and 40 CFR Part 51.

Pursuant to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 605(b) the Regional Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709; January 27, 1981).

The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification.

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

List of Subjects in 40 CFR Part 52

Environmental Protection Agency, Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Secs. 110, 172, 176, and 301, Clean Air Act, as amended (42 U.S.C. 7410, 7472, 7476 and 7601))

Dated: August 1, 1983.

Jacqueline E. Sahafer,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 83-21706 Filed 8-8-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

42 CFR Part 71

Foreign Quarantine Provisions

AGENCY: Centers for Disease Control, Public Health Service, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Public Health Service proposes major revisions and editorial changes in the Foreign Quarantine regulations. The regulations were developed to implement the provisions of the Public Health Service Act in preventing the introduction, transmission, or spread of communicable diseases from foreign countries into the United States. In 1967, the Public Health Service was reorganized and the Quarantine Program was transferred to the Centers for Disease Control (CDC). Since the transfer, the Quarantine Program has been modernized and streamlined. Revisions are proposed to update the regulations to reflect current concepts of disease surveillance, investigation, and control. Additional changes are proposed to reflect the Department's commitment to revise and clarify regulations in a manner to promote public understanding of its programs.

DATES: Written comments on the proposed rule must be received on or before October 11, 1983.

ADDRESS: Comments or inquiries may be submitted in writing to the Director, Division of Quarantine, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333. All relevant material received within the comment period will be considered. Comments received will be available for public inspection between 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) in Building 1, Room 3106, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

FOR FURTHER INFORMATION CONTACT: Dr. Laurence S. Farer, Acting Director, Division of Quarantine, Center for Prevention Services, Centers for Disease Control, Atlanta, Ga. 30333, telephone (404) 329-2574, or FTS: 236-2574.

SUPPLEMENTARY INFORMATION: Under the authority of Sections 361 through 369 of the Public Health Service Act, as amended, the Department issues and enforces regulations necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the United States. The regulations contained in Part 71 of Title 42, Code of Federal Regulations, authorize Quarantine Officers and other personnel to inspect and undertake necessary control measures with respect to carriers, persons, and shipments of animals and etiologic agents entering the United States in order to protect the public health. Regulations pertaining to interstate control of communicable diseases are separately promulgated by the Food and Drug Administration in Parts 1240 and 1250 of Title 21, Code of Federal Regulations.

The proposed regulations are based on current practices and procedures used by CDC. They meet the objective and mission of the Quarantine Program to assure protection against the introduction and spread of communicable diseases into the United States with a minimum of interference to trade and travel. The revised procedures have proved to be efficient and effective. Without compromising the public health, these procedures have benefited the traveling public by facilitating incoming traffic from foreign areas.

The primary responsibility for the control of communicable diseases from foreign countries into the United States is assigned to CDC. Since the Quarantine Program was transferred to CDC in 1967, quarantine activities have been modernized and streamlined. Appropriate changes reflecting the new concepts have not been incorporated into the existing regulations. Major changes in the regulations are discussed below.

Prior to 1969, every arriving ship and aircraft, including passengers and crew, was inspected for quarantine clearance. Currently, with the exception of routine rodent inspections and the cruise ship santitation program, inspections are performed only on those ships and aircraft which report illness prior to arrival or when illness is discovered upon arrival. Other inspectional agencies (U.S. Customs Service, U.S. Immigration and Naturalization Service, and the Department of Agriculture) assist Quarantine Officers in public healths screening of persons, pets, and other importations of public health significance and make referrals to PHS when indicated.

The proposed regulations will no longer require lather brushes made from animal hair or bristles, imported into the United States, to carry identifying markings or to be certified as treated and stored to prevent possible contamination with spores of *Bacillus anthracis*. No case of cutaneous anthrax in the United States has been associated with lather brushes since 1930, and the continuation of existing requirements is unnecessary to protect the public health. Should the importation of anthrax in lather brushes become a threat to public health in the future, inspection and control measures authorized under provisions of the regulations will be implemented.

The proposed regulations will no longer impose restrictions on the importation of psittacine birds. The importation of psittacine birds does not present a serious public health threat. Psittacosis in humans is a disease which is easily managed and treated, and is rarely transmitted person-to-person. The U.S. Department of Agriculture (USDA) will retain the quarantine jurisdiction for psittacine birds, and USDA regulations (9 CFR 92.11) require prophylactic treatment of psittacine birds with Chlortetracycline-treated feed.

The proposed regulations will no longer require ships entering U.S. ports to possess a valid Deratting/Deratting Exemption Certificate. Vector-borne diseases which could enter the United States through rats or through vectors carried by rats are rare and do not present a significant public health threat. Should disease be introduced, treatment and control measures are readily available. Since some nations require ships calling at their ports to possess a valid Deratting/Deratting Exemption Certificate and since Article 17 of the International Health Regulations requires each health administration to provide such inspection service, CDC will continue to perform rodent infestation inspections and issue Deratting/Deratting Exemption Certificates.

The proposed regulations will no longer require the submission of quarterly or annual reports from importers on nonhuman primates. The importers will still be required to retain appropriate records and make them available for inspection by CDC. In addition, it is expected that adequate control of the distribution of nonhuman primates can be accomplished by having the importers sign assurances on the existing importer registration form. This change is in accord with a decision by the Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB No. 0920–0096).

Action has been initiated to amend the list of serious diseases for which the Surgeon General can apprehend, detain, or conditionally release individuals in order to prevent the spread of such communicable diseases. Section 361 of the PHS Act requires that these diseases be specified pursuant to an Executive Order of the President upon the recommendation of the National Advisory Health Council and the Surgeon General. The National Advisory Health Council met on May 21, 1982, and recommended revisions in the list. The proposed revised list of diseases appears in Section 71.32(b), and it is expected that an appropriate Executive Order will be issued by the time these proposed regulations are published a a final rule. The diseases listed in the current Executive Order that the National Advisory Health Council recommended be deleted are anthrax, chancroid, chickenpox, dengue, favus, gonorrhea, granuloma inguinale, hemolytic streptoccoccal infections, infectious encephalitis, leprosy (Hansen's Disease), Lymphogranuloma venereum, meningococcal meningitis, poliomyelitis, psittacosis, relapsing fever (louse-borne), ringworm of the scalp, syphilis, trachoma, typhoid fever, and typhus. The Council viewed each disease against a combination of factors, including seriousness of the disease, number of cases already occurring in the United States, rate of transmissibility, availability of drugs for control and treatment, and introduction by animal and insect vectors across land borders. Although all of the diseases are still regarded as serious and warrant appropriate public health prevention and control measures, in the Council's opinion, these diseases no longer constitute serious enough threats to the public health to warrant the use of detention and isolation measures as authorized by the PHS Act and implemented by the proposed regulations. The Council recommended the addition of one new disease group to the revised Executive Order: "suspected viral hemorrhagic fevers, including Lassa, Marburg, Ebola, Congo-Crimean, and other not yet isolated or named." These diseases are highly communicable and fatal and there is no specific treatment. Quarantine measures are required to isolate cases and establish surveillance of close contacts.

The proposed regulations will require the masters of passenger ships to report by radio to quarantine stations prior to arrival the number of diarrheal cases, including the absence of any cases, recorded in the medical log during the current cruise. Under current regulations, all international conveyances are required to report death and certain illness (in general, fever or diarrhea) during the current voyage to quarantine stations prior to arrival. This prerequisite remains in the proposed regulations, but the additional reporting requirement is added specifically for passenger cruise vessels. This proposed procedure for passenger vessels has been generally practiced in the industry since 1975 as a result of a recommendation by CDC. However, this voluntary reporting system has had occasional communication problems resulting in CDC's being informed of gastrointestinal disease outbreaks too late to organize and conduct an epidemiologic investigation. The proposed requirement for passenger vessels to report 24 hours prior to arrival at a U.S. port is necessary to ensure that adequate time is available to carry out an epidemiologic investigation on board the vessel when the incidence of diarrheal illness indicates a possible food or waterborne outbreak. The requirement for passenger vessels to also report the absence of cases is necessary to ensure that all cases are reported. Under the present regulations, the lack of a report may be ambiguously interpreted as: (a) There were no cases; (b) there was a failure to report; or (c) there were problems in communication from the ship to the quarantine station. Requiring a report from all passenger vessels will enable quarantine personnel to follow up on reports not received.

Sections 71.21, 71.33, 71.35, 71.51, 71.52, and 71.53 of this proposed rule contain information collection requirements. As required by section 3504(h) of the Paperwork Reduction Act of 1980, a copy of this proposed rule has been submitted to the Office of Management and Budget (OMB) for its review of these information collection

requirements. Other organizations and individuals desiring to submit comments on the information collection requirements should direct them to the agency official designated for this purpose whose name appears in this preamble, and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building (Room 3208), Washington, D.C. 20503, ATTN: Desk Officer for HHS.

The proposed regulations will be in keeping with the present-day quarantine practices and procedures which have proved to be completely sufficient to meet quarantine objectives.

This rule is primarily a clarification of procedures and practices currently in use by CDC. The revised procedures have efficiently and effectively met the objectives and mission of the Quarantine Program. Since for the most part common practice is in accordance with what the regulation provides, the Secretary has determined that this rule is not a major rule under Executive Order 12291. Further, because this rule does not have a significant economic impact on a substantial number of small entities, a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980 is not required.

Following is a summary of the changes to the current regulations:

Sections Canceled

Subpart A—Definitions and General Provisions

Sec.
71.2 Periods of isolation and surveillance.
71.3 Periods of immunity.
71.5 Departing persons, things, vessels or aircraft.
71.6 Sanitary measures previously applied.
71.7 Certificate of measures applied.
71.9 Listing of infected and receptive areas.

Subpart B—Measures at Foreign Ports

71.12 Measures prescribed by local health authority: Vessels and aircraft.

Subpart D—Vessels and Aircraft Subject to Quarantine Inspection

71.49(b) Report of disease or rodent mortality.

Subpart E—General Requirements Upon Arrival at Ports Under Control of the United States

71.62 General Provisions: Vessels and aircraft; permission for aircraft to discharge persons and cargo.
71.63 Persons: Restrictions on boarding and leaving vessels or aircraft, or having contact with persons aboard.
71.64 Maritime quarantine declaration.
71.65 Aircraft declaration and manifest.
71.66 Quarantine inspection and controls.
71.67 Persons: Examination.
71.71 Restriction on movement of articles.

Subpart F—Particular Requirements Upon Arrival at Ports Under Control of the United States

Sec.
71.81 through 71.91 All Sections Canceled.

Subpart G—Sanitary Inspection: Control of Rodents, Insects, and Other Vermin; Disinfection

71.103 Disinsecting and disinfesting vessels.
71.104 Disinsecting and disinfection of persons and things; vessels and aircraft.
71.105 Deratting Certificates: Deratting Exemption Certificates; vessels only.
71.106 Deratting: Aircraft only.
71.109 Application of sanitary measures.

Subpart H—Pratique: Vessels and Aircraft

71.123 Provisional pratique and remand: Vessels only.
71.124 Radio pratique: Vessels only.
71.125 Presentation of pratique: Vessels only.
71.126 Pratique and remand. Aircraft only.
71.127 Notification of remands: Vessels and aircraft.
71.128 Vessels and aircraft not submitting to prescribed measures.

Subpart I—Border Quarantine

71.136 through 71.141 All Sections canceled.

Subpart J—Importation of Certain Things

71.151 Lather brushes.

Subpart J-I—Importation of Psittacine Birds

71.161 through 71.166 All Sections canceled.

Subpart K—Special Provisions Relating to Aircraft

71.501 through 71.506 All sections canceled.

Subpart L—Special Provisions Relating to Ports and Airports

71.604 Designation of sanitary airports.
71.605 Yellow fever areas: Sanitary requirements: Ports and airports.
71.606 Perimeter: Airports only.
71.607 Withdrawal of designation.
71.608 Cholera and plague: Persons unloading vessesl or aircraft.
71.609(a), (b), (c), (d), (f), (g), (h), (i) Designation of international airports.
71.700 Appendix—Exceprts from International Sanitary Regulations (World Health Organizations Regulations No. 2).

Sections Updated and/or Recodified

Subpart A—Definitions and General Provisions

Section	Recodified
71.1 Definitions	71.1—Subpart A.
71.4 Compliance with conditions of surveillance.	71.33—Subpart D.
71.8 Designation of vaccinating centers; authenticating stamps.	71.3—Subpart A.
Subpart B—Measures at Foreign Ports	
71.11 Bills of health	71.11—Subpart B.
Subpart C—Notice of Communicable Disease Prior to Arrival	
71.31 Radio report of death or illness.	71.21—Subpart C.
Subpart D—Vessels and Aircraft subject to Quarantine Inspection.	Subpart D—Health Measures at U.S. Ports: Communicable Diseases.
71.46 General provisions	71.31—Subpart D.
71.47 Vessels and aircraft of Military services.	71.34—Subpart D.
71.48 Exempt vessels and aircraft subject to sanitary regulations.	71.31—Subpart D.
71.49(a) Report of disease or rodent mortality on vessel during stay in port.	71.35—Subpart D.
Subpart E—General Requirements Upon Arrival at Ports Under Control of the United States.	Subpart E—Requirements Upon Arrival at U.S. Ports: Sanitary Inspection.
71.61 Applicability	71.41—Subpart E.
71.68 Vessels and aircraft: Person and things; communicable diseases.	71.32—Subpart D.
71.69 Persons: Isolation	71.33—Subpart D.
71.70 Persons: Isolation substituted for surveillance.	71.33—Subpart D.
71.72 Disinfection of imports.	71.42—Subpart E.
71.73 Exemption for mails	71.43—Subpart E.
Subpart G—Sanitation Inspection: Control of Rodents, Insects, and Other Vermin: Disinfection.	Subpart E—Requirements Upon Arrival at U.S. Ports: Sanitary Inspection.
71.101 General provisions	71.41—Subpart E.
71.102 Disinsection of aircraft.	71.44—Subpart E.
71.107 Issuance of Deratting Certificates and Deratting Exemption Certificates: Approved and designated stations.	71.46—Subpart E.
71.108 Vessels and aircraft in intercoastal and interstate traffic.	71.48—Subpart E.
Subpart H—Pratique: Vessels and Aircraft	
71.121 General Requirement: Vessels only.	71.31—Subpart D.
71.122 Free Pratique: Vessels only.	71.31—Subpart D.
Subpart J—Importation of Certain Things.	Subpart F—Importations.
71.154 Dogs and cats	71.51—Subpart F.
71.155 Dogs and cats: Disposal of excluded animals.	71.51—Subpart F.
71.156 Etiological agents, hosts and vectors.	71.54—Subpart F.
71.157 Dead bodies	71.55—Subpart F.
Subpart J-2—Importation of Turtles, Tortoises Terrapins.	Subpart F—Importations.
71.171 Definitions	71.52—Subpart F.
71.172 Importation: General prohibition.	71.52—Subpart F.
71.173 Exception	71.52—Subpart F.
71.174 Applications for permits.	71.52—Subpart F.
71.175 Issuance of permits: Criteria.	71.52—Subpart F.
71.176 Penalties	71.2—Subpart F.
Subpart J-3—Importation of Nonhuman Primates.	Subpart F—Importations.181
71.181 Definitions	71.53—Subpart F.
71.182 Importations: General prohibition.	71.53—Subpart F.
71.183 Importation and distribution: Permissible purposes.	71.53—Subpart F.
71.184 Registration of importers.	71.53—Subpart F.
71.185 Recordkeeping and reporting.	71.53—Subpart F.
71.186 Disease control measures.	71.53—Subpart F.
71.187 Disposal of excluded animals.	71.53—Subpart F.
71.188 Suspension and revocation.	71.53—Subpart F.
71.189 Penalties	71.2—Subpart F.
Subpart L—Special Provisions Relating to Ports and Airports.	Subpart E—Requirements Upon Arrival at U.S. Ports; Sanitary Inspection.
71.601 Applicability	71.45—Subpart E.
71.602 Food and drinking water: Ports and airports.	71.45—Subpart E.

Section	Recodified
71.603 Disposal of waste matter: Airports and aircraft.	71.45—Subpart E.
71.609(e) Office and Isolation Facilities.'	71.47—Subpart E

List of Subjects in 42 CFR Part 71

Aircraft, Airports, Animals, Communicable diseases, Harbors, Imports, Pesticides and pests, Public health, Quarantine, Vessels.

It is, therefore, proposed to revise Part 71 of Title 42, Code of Federal Regulations, as set forth below.

Dated: January 13, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: June 10, 1983.

Margaret M. Heckler,

Secretary.

PART 71—FOREIGN QUARANTINE

Subpart A—Definitions and General Provisions

Authority: Sec. 215 of Public Health Service (PHS) Act, as amended (42 U.S.C. 216); secs. 361-639, PHS Act, as amended (42 U.S.C. 264-272); E.O. 11070 (subject to revision), 27 FR 12393, 3 CFR, 1959-63 comp.

Subpart A—Definitions and General Provisions

§ 71.1 Scope and definitions.

(a) The provisions of this part contain the regulations to prevent the introduction, transmission, and spread of communicable disease from foreign countries into the States or possessions of the United States. Regulations pertaining to preventing the interstate spread of communicable diseases are contained in 21 CFR Parts 1240 and 1250.

(b) As used in this part the term:

"Carrier" means a ship, aircraft, train, road vehicle, or other means of transport, including military.

"Communicable disease" means an illness due to a specific infectious agent or its toxic products which arises through transmission of that agent or its products from an infected person or animal or a reservoir to a susceptible host, either directly or indirectly, through an intermediate animal host, vector, or the inanimate environment.

"Contamination" means the presence of undesirable substances or material which may contain infectious agents or their toxic products.

"Controlled Free Pratique" means permission for a carrier to enter a U.S. port, disembark, and begin operation under certain stipulated conditions.

"Deratting Certificate" means a certificate issued under the instructions of the Director, in the form prescribed by the International Health Regulations, recording the inspection and deratting of the ship.

"Deratting Exemption Certificate" means a certificate issued under the instructions of the Director, in the form prescribed by the International Health Regulations, recording the inspection and exemption from deratting of the ship which is rodent free.

"Detention" means the temporary holding of a person, ship, aircraft, or other carrier, animal, or thing is such place and for such period of time as may be determined by the Director.

"Director" means the Director, Centers for Disease Control, Public Health Service, Department of Health and Human Services, or his/her authorized representative.

"Disinfection" means the killing of infectious agents or inactivation of their toxic products outside the body by direct exposure to chemical or physical agents.

"Disinfestation" means any chemical or physical process serving to destroy or remove undesired small animal forms, particularly arthropods or rodents, present upon the person, the clothing, or the environment of an individual, or upon animals and carriers.

"Disinsection" means the operation in which measures are taken to kill the insect vectors of human disease present in carriers and containers.

"Educational purpose" means use in the teaching of a defined educational program at the university level or equivalent.

"Exhibition purpose" means use as a part of a display in a facility comparable to a zoological park or in a trained animal act. The animal display must be open to the general public at routinely scheduled hours on 5 or more days of each week. The trained animal act must be routinely scheduled for multiple performances each week and open to the general public except for reasonable vacation and retraining periods.

"Ill person" means a person who:

(1) Has a temperature of 100° F. (or 38°C.) or greater, accompanied by a rash, glandular swelling, or jaundice, or which has persisted for more than 48 hours; or

(2) Has diarrhea, defined as the occurrence in a 24-hour period of three or more loose stools or of a greater than normal (for the person) amount of loose stools.

"International Health Regulations" means the International Health Regulations of the World Health Organization, adopted by the Twenty-Second World Health Assembly in 1969, as amended by the Twenty-Sixth World Health Assembly in 1973, and as may be further amended.

"International voyage" means: (1) In the case of a carrier, a voyage between ports or airports of more than one country, or a voyage between ports or airports of the same country if the ship or aircraft stopped in any other country on its voyage; or (2) in the case of a person, a voyage involving entry into a country other than the country in which that person begins his/her voyage.

"Isolation" means: (1) When applied to a person or group of persons, the separation of that person or group of persons from other persons, except the health staff on duty, in such a manner as to prevent the spread of infection; or (2) when applied to animals, the separation of an animal or group of animals from persons, other animals, or vectors of disease in such a manner as to prevent the spread of infection.

"Military services" means the U.S. Army, the U.S. Air Force, the U.S. Navy, and the U.S. Coast Guard.

"Scientific purpose" means use for scientific research following a defined protocol and other standards for

research projects as normally conducted at the university level. The term also includes the use for safety testing, potency testing, and other activities related to the production of medical products.

"Surveillance" means the temporary supervision of a person who may have or has been exposed to a communicable disease.

"U.S. port" means any seaport, airport, or border crossing point under the control of the United States.

"United States" means the several States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"Vector" means an animal (including insects) or things which conveys or is capable of conveying infectious agents from a person or animal to another person or animal.

§ 71.2 Penalties.

Any person violating any provision of these regulations shall be subject to a fine of not more than $1,000 or to imprisonment for not more than 1 year, or both, as provided in Section 368 of the Public Health Service Act (42 U.S.C. 271).

§ 71.3 Designation of yellow fever vaccination centers: Validation stamps.

(a) *Designation of yellow fever vaccination centers.* (1) The Director is responsible for the designation of yellow fever vaccination centers authorized to issue certificates of vaccination. This responsibility is delegated by the Director to a State or territorial health department with respect to yellow fever vaccination activities of non-Federal medical, public health facilities, and licensed physicians functioning within the respective jurisdictions of a State or territorial health department. Designation is made upon application and presentation of evidence satisfactory to a State or territorial health department that the applicant has adequate facilities and professionally trained personnel for the handling, storage, and administration of a safe, potent, and pure yellow fever vaccine. Medical facilities of Federal agencies are authorized to obtain yellow fever vaccine without being designated as a yellow fever vaccination center by the Director.

(2) A designated yellow fever vaccination center shall comply with the instructions issued by the director or by a delegated officer or employee of a State or territorial health department for the handling, storage, and administration of yellow fever vaccine. If a designated center fails to comply with such instructions, after notice to the center, the Director or, for non-Federal centers, a State or territorial health department, may revoke designation.

(b) *Validation stamps.* International Certificates of Vaccination against cholera and yellow fever issued for vaccinations performed in the United states shall be validated by:

(1) The Seal of the Public Health Service; or

(2) The Seal of the Department of State; or

(3) The stamp of the Department of Defense; or

(4) The stamp issued to the National Aeronautics and Space Administration; or

(5) The stamp issued by a State or territorial health department; or

(6) an official stamp of a design and size approved by the Director for such purpose.

Subpart B—Measures at Foreign Ports

§ 71.11 Bills of health.

A carrier at any foreign port clearing or departing for any U.S. port shall not be required to obtain or deliver a bill of health.

Subpart C—Notice of Communicable Disease Prior to Arrival

§ 71.21 Radio report of death or illness.

(a) The master of a ship destined for a U.S. port shall report immediately, by radio, to the quarantine station at or nearest the port at which the ship will arrive, the occurrence, on board, of any death or any ill person among passengers or crew (including those who have disembarked or have been removed) during the 15-day period preceding the date of expected arrival or during the period since departure from a U.S. port (whichever period of time is shorter).

(b) The commander of an aircraft destined for a U.S. airport shall report immediately to the quarantine station at or nearest the airport at which the aircraft will arrive, the occurrence, on board, of any death or ill person among passengers or crew.

(c) In addition to (a) of this section, the master of a ship carrying 13 or more passengers must report by radio 24 hours before arrival the number of cases (including zero) of diarrhea in passengers and crew recorded in the ship's medical log during the current cruise. All cases of diarrhea that occur after the 24 hour report must also be reported not less than 4 hours before arrival.

Subpart D—Health Measures at U.S. Ports: Communicable Diseases

§ 71.31 General provisions.

(a) Upon arrival at a U.S. Port, a carrier will not undergo inspection unless the Director determines that a failure to inspect will present a threat of introduction of communicable diseases into the United States, or the carrier has on board individual(s) reportable in accordance with § 71.21 or meets the circumstances described in § 71.42. Carriers not subject to inspection under this section will be subject to sanitary inspection under § 71.41 of this part.

(b) The Director may require detention of a carrier until the completion of the measures outlined in this part that are necessary to prevent the introduction or spread of a communicable disease. The Director may issue a controlled free pratique to the carrier stipulating what measures are to be met, but such issuance does not prevent the periodic boarding of a carrier and the inspection of persons and records to verify that the conditions have been met for granting the pratique.

§ 71.32 Persons, carriers, and things.

(a) Whenever the Director has reason to believe that any arriving person is infected with or has been exposed to any of the communicable diseases listed in (b) of this section, he/she may detain, isolate, or place the person under surveillance and may order disinfection or disinfestation as he/she considers necessary to prevent the introduction, transmission, or spread of the listed communicable diseases.

(b) The communicable diseases authorizing the application of sanitary, detention, and/or isolation measures under (a) of this section are: cholera or suspected cholera, diphtheria, infectious tuberculosis, plague, suspected smallpox, yellow fever, or suspected viral hemorrhagic fevers (Lassa, Marburg, Ebola, Congo-Crimean, and others not yet isolated or named).

(c) Whenever the Director has reason to believe that any arriving carrier or article or thing on board the carrier is or may be infected or contaminated with a communicable disease, he/she may require detention, disinsection, disinfection, disinfestation, fumigation, or other related measures respecting the carrier or article or thing as he/she considers necessary to prevent the introduction, transmission, or spread of communicable diseases.

§ 71.33 Persons: isolation and surveillance.

(a) Persons held in isolation under this subpart may be held in facilities suitable for isolation and treatment.

(b) The Director may require isolation where surveillance is authorized in this subpart whenever the Director considers the risk of transmission of infection to be exceptionally serious.

(c) Every person who is placed under surveillance by authority of this subpart shall, during the period of surveillance:

(1) Give information relative to his/her health and his/her intended destination and report, in person or by telephone, to the local health officer having jurisdiction over the areas to be visited, and report for medical examinations as may be required;

(2) Upon arrival at any address other than that stated as the intended destination when placed under surveillance, or prior to departure from the United States, inform, in person or by telephone, the health officer serving the health jurisdiction from which he/she is departing.

(d) From time to time the Director may, in accordance with Section 322 of the Public Health Service Act, enter into agreements with public or private medical or hospital facilities for providing care and treatment for persons detained under this part.

§ 71.34 Carriers of U.S. military services.

(a) Carriers belonging to or operated by the military services of the United States may be exempted from inspection if the Director is satisfied that they have complied with regulations of the military services which also meet the requirements of the regulations in this part. (For applicable regulations of the military services, see Army Regulation No. 40–12, Air Force Regulation No. 161–4, Secretary of the Navy Instruction 6210.2, and Coast Guard Commandant Instruction 6210.2).

(b) Notwithstanding the exemption from inspection of carriers under this section, animals or articles on board shall be required to comply with the applicable requirements of Subpart F of this part.

§ 71.35 Report of death or illness on carrier during stay in port.

The master of any carrier at a U.S. port shall report immediately to the quarantine station at or nearest the port the occurance, on board, of any death or any ill person among passengers or crew.

Supart E—Requirements Upon Arrival at U.S. Ports: Sanitary Inspection

§ 71.41 General provisions.

Carriers arriving at a U.S. port from a foreign area shall be subject to a sanitary inspection to determine whether there exists rodent, insect, or other vermin infestation, contaminated food or water, or other insanitary conditions requiring measures for the prevention of the introduction, transmission, or spread of communicable disease.

§ 71.42 Disinfection of imports.

When the cargo manifest of a carrier lists articles which may require disinfection under the provisions of this part, the Director shall disinfect them on board or request the appropriate customs officer to keep the articles separated from the other cargo pending appropriate disposition.

§ 71.43 Exemption for mails.

Except to the extent that mail contains any article or thing subject to restrictions under Subpart F of this part, nothing in the regulations in this part shall render liable to detention, disinfection, or destruction any mail conveyed under the authority of the postal administration of the United States or of any other Government.

§ 71.44 Disinsection of aircraft.

(a) The Director may require disinsection of an aircraft if it has left a foreign area that is infected with insect-borne communicable disease and the aircraft is suspected of harboring insects of public health importance.

(b) Disinsection shall be the responsibility of the air carrier or, in the case of aircraft not for hire, the pilot in command, and shall be subject to monitoring by the Director.

(c) Disinsection of the aircraft shall be accomplished immediately after landing and blocking.

(1) The cargo compartment shall be disinsected before the mail, baggage, and other cargo are discharged.

(2) The rest of the aircraft shall be disinsected after passengers and crew deplane.

(d) Disinsection shall be performed with an approved insecticide in accordance with the manufacturer's instructions. The current list of approved insecticides and sources may be obtained from the Division of Quarantine, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333.

§ 71.45 Food, potable water, and waste: U.S. seaports and airports.

(a) Every seaport and airport shall be provided with a supply of potable water from a watering point approved by the Commissioner of Food and Drugs, Food and Drug Administration, in accordance with standards established in Title 21, Code of Federal Regulations, Parts 1240 and 1250.

(b) All food and potable water taken on board a ship or aircraft at any seaport or airport intended for human consumption thereon shall be obtained from sources approved in accordance with regulations cited in (a) of this section.

(c) Aircraft inbound or outbound on an international voyage shall not discharge over the United States any excrement, or waste water or other polluting materials. Arriving aircraft shall discharge such matter only at servicing areas approved under regulations cited in (a) of this section.

§ 71.46 Issuance of Deratting Certificates and Deratting Exemption Certificates.

Valid Deratting Certificates or Deratting Exemption Certificates are not required for ships to enter a U.S. seaport. In accordance with Article 17 of the International Health Regulations, the Public Health Service may perform rodent infestation inspections and issue Deratting Certificates and Deratting Exemption Certificates.

§ 71.47 Special provisions relating to airports: Office and isolation facilities.

Each U.S. airport which receives international traffic shall provide without cost to the Government suitable office, isolation, and other exclusive space for carrying out the Federal responsibilities under this part.

§ 71.48 Carriers in intercoastal and interstate traffic.

Carriers, on an international voyage, which are in traffic between U.S. ports, shall be subject to inspection as described in §§ 71.31 and 71.41 when there occurs on board, among passengers or crew, any death, or any ill person, or when illness is suspected to be caused by insanitary conditions.

Subpart F—Importations

§ 71.51 Dogs and cats.

(a) *Definitions.* As used in this section the term:

"Cat" means all domestic cats.

"Confinement" means restriction of a dog or cat to a building or other enclosure at a U.S. port, en route to destination and at destination, in isolation from other animals and from

persons except for contact necessary for its care or, if the dog or cat is allowed out of the enclosure, muzzling and keeping it on a leash.

"Dog" means all domestic dogs.

"Owner" means owner or agent.

"Valid rabies vaccination certificate" means a certificate which was issued for a dog not less than 3 months of age at the time of vaccination and which—

(1) Identifies a dog on the basis of breed, sex, age, color, markings, and other identifying information.

(2) Specifies a date of rabies vaccination at least 30 days before the date of arrival of the dog at a U.S. port.

(3) Specifies a date of expiration which is after the date of arrival of the dog at a U.S. port. If no date of expiration is specified, then the date of vaccination shall be no more than 12 months before the date of arrival at a U.S. port.

(4) Bears the signature of a licensed veterinarian.

(b) *General requirements for admission of dogs and cats.*—(1) *Inspection by Director.* The Director shall inspect all dogs and cats which arrive at a U.S. port, and admit only those dogs and cats which show no signs of communicable disease as defined in Section 71.1

(2) *Examination by veterinarian and confinement of dogs and cats.* When, upon inspection, a dog or cat does not appear to be in good health on arrival (e.g., it has symptons such as emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea), the Director may require prompt confinement and give the owner an opportunity to arrange for a licensed veterinarian to examine the animal and give or arrange for any tests or treatment indicated. The Director will consider the findings of the examination and tests in determining whether or not the dog or cat may have a communicable disease. The owner shall bear the expense of the examination, tests, and treatment. When it is necessary to detain a dog or cat pending determination of its admissibility, the owner shall provide confinement facilities which in the judgment of the Director will afford protection against any communicable disease. The owner shall bear the expense of confinement. Confinement shall be subject to conditions specified by the Director to protect the public health.

(3) *Record of sickness or death of dogs and cats and requirements for exposed animals.* (i) The carrier responsible for the care of dogs and cats shall maintain a record of sickness or death of animals en route to the United States and shall submit the record to the quarantine station at the U.S. port upon arrival. Dogs or cats which have become sick while en route or are dead on arrival shall be separated from other animals as soon as the sickness or death is discovered, and shall be held in confinement pending any necessary examination as determined by the Director.

(ii) When, upon inspection, a dog or cat appears healthy but, during shipment, has been exposed to a sick or dead animal suspected of having a communicable disease, the exposed dog or cat shall be admitted only if examination or tests made on arrival reveal no evidence that the animal may be infected with a communicable disease. The provisions of (b)(2) of this section shall be applicable to the examination or tests.

(4) *Sanitation.* When the Director finds that the cages or other containers of dogs or cats arriving in the United States are in an unsanitary or other condition that may constitute a communicable disease hazard, the dogs or cats shall not be admitted in such containers unless the owner has the containers cleaned and disinfected.

(c) *Rabies vaccination requirements for dogs.* (1) A valid rabies vaccination certificate is required at a U.S. port for admission of a dog unless the owner submits evidence satisfactory to the Director that:

(i) If a dog is less than 6 months of age, it has been only in a country determined by the Director to be rabies-free (a current list of rabies-free countries may be obtained from the Division of Quarantine, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333); or

(ii) If a dog is 6 months of age or older, for the 6 months before arrival, it has been only in a country determined by the Director to be rabies-free; or

(iii) The dog is to be taken to a research facility to be used for research purposes and vaccination would interfere with its use for such purposes.

(2) Regardless of the provisions of (c)(1) of this section, the Director may authorize admission as follows:

(i) If the date of vaccination shown on the vaccination certificate is less than 30 days before the date of arrival, dog may be admitted, but must be confined until at least 30 days have elapsed since the date of vaccination;

(ii) If the dog is less than 3 months of age, it may be admitted, but must be confined until vaccinated against rabies at 3 months of age and for at least 30 days after the date of vaccination;

(iii) If the dog is 3 months of age or older, it may be admitted, but must be confined until it is vaccinated against rabies. The dog must be vaccinated within 4 days after arrival at destination but no more than 10 days after arrival at a U.S. port. It must be kept in confinement for at least 30 days after the date of vaccination.

(3) When a dog is admitted under (c)(2) of this section, the Director shall notify the health department or other appropriate agency having jurisdiction at the point of destination and shall provide the address of the specified place of confinement and other pertinent information to facilitate surveillance and other appropriate action.

(d) *Certification requirements.* The owner shall submit such certification regarding confinement and vaccination prescribed under this section as may be required by the Director.

(e) *Additional requirements for the importation of dogs and cats.* Dogs and cats shall be subject to such additional requirements as may be deemed necessary by the Director or to exclusion if coming from areas which the Director has determined to have high rates of rabies.

(f) *Requirements for dogs and cats in transit.* The provisions of this section shall apply to dogs and cats transported through the United States from one foreign country to another, except as provided below:

(1) Dogs and Cats that appear healthy, but have been exposed to a sick or dead animal suspected of having a communicable disease, need not undergo examination or tests as provided in (b)(3) of this section if the Director determines that the conditions under which they are being transported will afford adequate protection against introduction of communicable disease.

(2) Rabies vaccination is not required for dogs that are transported by aircraft or ship and retained in custody of the carrier under conditions that would prevent transmission of rabies.

(g) *Disposal of excluded dogs and cats.* A dog or cat excluded from the United States under the regulations in this part shall be exported or destroyed. Pending exportation, it shall be detained at the owner's expense in the custody of the U.S. Customs Service at the U.S. port.

§ 71.52 Turtles, tortoises, and terrapins.

(a) *Definitions.* As used in this section the term:

"Turtles" includes all animals commonly known as turtles, tortoises, terrapins, and all other animals of the order *Testudinata*, class *Reptilia*, except marine species (Families *Dermochelidae* and *Cheloniidae*).

(b) *Importation; general prohibition.* Except as otherwise provided in this section, live turtles with a carapace length of less than 4 inches and viable turtle eggs may not be imported into the United States.

(c) *Exceptions.* (1) Live turtles with a carapace length of less than 4 inches and viable turtle eggs may be imported into the United States, provided that such importation is not in connection with a business, and the importation is limited to lots of fewer than seven live turtles or fewer than seven viable turtle eggs, or any combinations of such turtles and turtle eggs totaling fewer than seven, for any entry.

(2) Seven or more live turtles with a carapace length of less than 4 inches, or seven or more viable turtle eggs or any combination of turtles and turtle eggs totaling seven or more, may be imported into the United States for bona fide scientific or educational purposes or for exhibition when accompanied by a permit issued by the Director.

(3) The requirements in (c)(1) and (c)(2) of this section shall not apply to the eggs of marine turtles excluded from these regulations under § 71.52(a).

(d) *Application for permits.* Applications for permits to import turtles, as set forth in (c)(2) of this section, shall be made by letter to the Director, and shall contain, identify, or describe, the name and address of the applicant, the number of specimens, and the common and scientific names of each species to be imported, the holding facilities, the intended use of the turtles following their importation, the precautions to be undertaken to prevent infection of members of the public with *Salmonella* and *Arizona* bacteria, and any other information and assurances the Director may require.

(e) *Criteria for issuance of permits.* A permit may be issued upon a determination that the holder of the permit will isolate or otherwise confine the turtles and will take such other precautions as may be determined by the Director to be necessary to prevent infection of members of the public with *Salmonella* and *Arizona* bacteria and on condition that the holder of the permit will provide such reports as the Director may require.

(f) *Interstate regulations.* Upon admission at a U.S. Port, turtles and viable turtle eggs become subject to Food and Drug Administration Regulations (21 CFR 1240.62) regarding general prohibition.

(g) *Other permits.* Permits to import certain species of turtles may be required under other Federal regulations (50 CFR Parts 17 and 23) protecting such species.

§ 71.53 Nonhuman primates.

(a) *Definitions.* As used in this section the term:

"Importer" means any person or corporation, partnership, or other organization, receiving live nonhuman primates from a foreign country within a period of 31 days, beginning with the importation date, whether or not the primates were held for part of the period at another location. The term "importer" includes the original importer and any other person or organization receiving imported primates within the 31-day period.

"Nonhuman primates" means all nonhuman members of the Order Primates, including, but not limited to, animals commonly known as monkeys, chimpanzees, orangutans, gorillas, gibbons, apes, baboons, marmosets, tamarin, lemurs, and lorises.

(b) *General prohibition.* Except as otherwise provided in this section, no person or organization may import live nonhuman primates into the United States unless registered as an importer in accordance with applicable provisions of this section.

(c) *Uses for which nonhuman primates may be imported and distributed.* Live nonhuman primates may be imported into the United States and sold, resold, or otherwise distributed only for bona fide scientific, educational or exhibition purposes. The importation of nonhuman primates for use in breeding colonies is also permitted provided that all offspring will be used only for scientific, educational, or exhibition purposes. The maintenance of nonhuman primates as pets, hobby, or an avocation with occasional display to the general public is not a permissible use.

(d) *Registration of importers.* (1) Importers of nonhuman primates shall register with the Director in a manner prescribed by the Director.

(2) Documentary evidence that an importer will use all nonhuman primates solely for the permitted purposes is required.

(3) Registration shall include certification that the nonhuman primates will not be shipped, sold, or otherwise transferred to other persons or organizations without adequate proof that the primates will be used only for the permitted purposes.

(4) Registration shall be for 2 years, effective the date the application for registration is approved by the Director.

(5) Registration may be renewed by filing a registration application form with the Director not less than 30 days nor more than 60 days before expiration of the current registration.

(e) *Recordkeeping and reporting requirement for registered importers.* (1) Importers shall maintain records on each shipment of imported nonhuman primates received. The record on each shipment shall include the number of primates received, species, country of origin, date of importation, the number of primates in the shipment that die within 90 days after receipt, and cause(s) of deaths. If any primates in the shipment are sold or otherwise distributed within 90 days after receipt, the record shall include the number of primates in each shipment or sale, the dates of each shipment or sale, and the identity of the recipients. In addition, the record shall contain copies of documents that were presented to the importer to establish that the recipient would use the primates solely for the permitted purposes. The records shall be maintained in an organized manner in a central location at or in close proximity to the importer's primate holding facility. The records shall be maintained for a period of 3 years and shall be available for inspection by the Director at any time.

(2) Importers shall report to the Director by telephone within 24 hours the occurrence of any illness in nonhuman primates that is suspected of being yellow fever, monkeypox, or Marburg/Ebola disease.

(3) Importers also shall report to the Director by telephone within 24 hours the occurrence of illness in any member of their staff suspected of having an infectious disease acquired from nonhuman primates.

(f) *Disease control measures.* Upon receipt of evidence of exposure of nonhuman primates to a communicable disease that may constitute a threat to public health, the Director may provide for or require examination, treatment, detention, isolation, seizure, or destruction of exposed animals. Any measures required shall be at the owner's expense.

(g) *Disposal of excluded nonhuman primates.* Nonhuman primate(s) excluded from the United States by provisions of this section shall, at the owner's option and expense, be exported, destroyed, or given to a scientific, educational, or exhibition facility under arrangements approved by the Director. If the owner fails to dispose of the nonhuman primate by one of the approved options or fails to select a method of disposal within 7 days, the Director will select the method of disposal. Pending disposal, the nonhuman primate(s) shall be detained at the owner's expense in custody of the U.S. Customs Service at the U.S. port.

(h) *Waiver of these regulations under exceptional circumstances.* If a nonhuman primate that previously has been exported from the United States is presented for importation for other than the permitted purposes, the Director may waive the provisions of this section provided that the owner can prove prior exportation of the nonhuman primate and that the owner was unaware of the provisions of this section at the time of exportation. A waiver can be granted only once for an individual owner.

(i) *Revocation of an importer's registration.* (1) An importer's registration may be revoked by the Director, upon notice to the importer holding such registration, if the Director determines that the importer has failed to comply with any applicable provisions of this section. The notice shall contain a statement of the grounds upon which the revocation is based.

(2) The importer may file an answer within 20 days after receipt of the notice. Answers shall admit or deny specifically, and in detail, each allegation in the notice. Allegations in the notice not denied by answer shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered. Failure of the importer to file an answer within 20 days after receipt of the notice may be deemed an admission of all allegations of fact recited in the notice.

(3) The importer shall be entitled to a hearing with respect to the revocation upon filing a written request, either in the answer or in a separate document, with the Director within 20 days after the effective date of revocation. Failure to request a hearing shall be deemed a waiver of hearing and as consent to the submission of the case to the Director for decision based on the written record. The failure both to file an answer and to request a hearing shall be deemed to constitute consent to the making of a decision on the basis of available information.

(4) As soon as practicable after the completion of any hearing conducted pursuant to the provisions of this section, the Director shall render a final decision. A copy of such decision shall be served on the importer.

(5) An importer's registration which has been revoked may be reinstated by the Director upon inspection, examination of records, conference with the importer, and receipt of information and assurances of compliance with the requirements of this section.

(j) *Other permits.* In addition to the requirements under this section, permits to import certain species of nonhuman primates may also be required under other Federal regulations (50 CFR Parts 17 and 23) protecting such species.

§ 71.54 Etiological agents, hosts and vectors.

(a) A person may not import into the United States, nor distribute after importation, any etiological agent or any arthropod or other animal host or vector of human disease, or any exotic living arthropod or other animal capable of being a host or vector of human disease unless accompanied by a permit issued by the Director.

(b) Any import coming within the provisions of this section will not be released from custody prior to receipt by the District Director of the U.S. Customs Service of a permit issued by the Director.

§ 71.55 Dead bodies.

The remains of a person who died of a communicable disease listed in § 71.32(b) may not be brought into a U.S. port unless the body is (a) properly embalmed and placed in a hermetically sealed casket, (b) cremated, or (c) accompanied by a permit issued by the Director.

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Health Care Financing Administration

42 CFR Part 431

Medicaid Program; Claims Processing Assessment System

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: These rules propose to revise claims processing requirements for Medicaid Quality control (MQC) systems and to delete the requirement from current regulations that States perform Third Party Liability quality control reviews. The preamble discussion will also serve as notice of our proposal that revised claims processing elements of the MQC program will become a condition for Medicaid Management Information System (MMIS) approval and annual reapproval under section 1903(r)(5) of the Act. The revised system will be referred to as the claims processing assessment system (CPAS).

These changes are intended to increase State flexibility in the area of reporting requirements and reduce the burden on States under the current MQC reporting system.

DATE: To assure consideration, comments should be received by September 8, 1983.

ADDRESS: Please address comments in writing to. Health Care Financing Administration, Department of Health and Human Services Attention. BQC-018-P, P.O. Box 26676. Baltimore, Maryland 21207.

If you prefer, you may deliver your comments to Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue., S.W., Washington, D.C., or to Room 132, East High Rise Building, 6325 Security Boulevard, in Baltimore.

Comments will be available for public inspection beginning approximately 2 weeks from today in Room 309-G of the Department's offices at 200 Independence Ave., S.W., in Washington, D.C. 20201, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (telephone 202-245-7890).

FOR FURTHER INFORMATION CONTACT: William McQuay, 301-597-2946.

SUPPLEMENTARY INFORMATION:

I. Background

Medicaid Quality Control (MQC) is a State operated management program for assessing the administration of the Medicaid program. It is aimed at assuring that public funds go only to beneficiaries who are eligible under Federal and State law. The Medicaid Management Information System (MMIS) is an information storage, retrieval, and claims processing system tailored to support effective management of the Medicaid program. The objective of the MMIS is to improve the capability of the State Medicaid agencies to process claims adequately in a timely manner and provide data for use in the administration of their programs.

Relationship Between MMIS and MQC Activities

MMIS is an automated claims processing and management information system used in State Medicaid programs. It is composed of the following six conponents (or "subsystems"):

- Eligibility Subsystem.
- Provider Subsystem.
- Claims Processing Subsystem.
- Reference File Subsystem.
- Surveillance and Utilization Review Subsystem (SUR).
- Management and Administrative Subsystem (MARS).

The system specifications are provided by HCFA in the form of functions and objectives to be met by States in accomplishing the design, development, and implementation of their MMIS system. The Federal

Government reimburses 90 percent of the cost of development and 75 percent of the cost of operation of a certified system. HCFA reviews the State systems to determine compliance with specifications and issues certification letters upon a State attaining compliance.

Each certified MMIS is required to undergo a reapproval process annually. This reapproval (recertification) process is performed by HCFA regional office staff using a Systems Performance Review (SPR) document as a guide. It is issued to the States by June 30 prior to the start of each fiscal year. This document provides the standards that the State system must meet during the fiscal year and explains how the standards will be applied. There are six current standards that cover the basic functional requirements of the six subsystems. Two of these standards are applicable to the claims processing subsystem.

Standard three contains two elements that are designed to insure the orderly and timely processing of claims from initial receipt through issuance of the determinations. The first of these elements deals with the ability to locate and control claims through final disposition. The second element deals with timely processing of the claims.

Standard four contains two elements that are designed to insure that claims are accurately processed and reviewed. The first element concerns the accuracy of claims processing and the second element insures that effective edits and screens are used in the claims processing function.

Proposed Integration

Both MMIS reapprovals and the MQC–CP reviews are concerned with the accuracy and integrity of claims processing systems in State Medicaid operations. However, historically these activities have been conducted independently of one another. This fragmentation of efforts has led HCFA to suggest a consolidation of the two activities. This would be accomplished by deleting the current requirement in the regulations for MQC–CP and adding a claims processing quality control component of MMIS. The new component, known as the Claims Processing Assessment System (CPAS) would involve an analysis of samples taken from the universe of claims authorized for payment. MMIS States, unless they exceed an established threshold, would not be required to conduct separate claims processing reviews. MMIS States above the threshold would be required to perform a claims processing review and provide error rate reports as directed by HCFA.

We would permit those States below the threshold to perform a claims processing assessment using the method of their choice subject to Federal criteria and approval. These States would not be required to compute error rates. A report of the results of such assessments would be required to be provided to HCFA. However, Federal monitoring can establish an error rate which would be used to determine whether a State exceeds the threshold. Because of the reduction of reporting requirements and the flexibility provided to the States we anticipate that CPAS will reduce the current State burden. It will also provide HCFA with a means of enforcing its claims processing requirements because States that do not meet requirements may be subject to a reduction in FFP for the operation of the MMIS system.

Present MQC Claims Processing

Under MQC, States have been required to conduct claims processing and third party liability reviews by utilizing a statistically valid sample of Medicaid cases to make judgments about the overall quality of eligibility determinations and payment systems. These MQC claims processing reviews are required for all States under statutory authority contained in section 1902(a)(4) of the Act, and in current regulations at Subpart P of 42 CFR Part 431. Section 431.800 requires that these reviews identify erroneous payments: (a) for a service not authorized under the State plan; (b) to a provider not certified to participate in the medicaid program; (c) for a service already paid for by Medicaid; or (d) in an amount above the allowable reimbursement level for that service.

Current regulations require States to conduct claims processing and third party liability reviews utilizing data associated with selected eligibility cases. This review, beneficial in certain respects (e.g., identification of claims processing problems, the discovery of eligibility, third party liability, and claims processing errors), has presented both the State and the Federal governments with difficulties. In particular we have been unable, with this case-oriented approach, to quickly identify claims processing breakdowns, such as faulty guidelines or systems problems.

In addition, the present methodology (known as MQC–1) requires a 5-month collection period for claims after each sample month. Therefore, any defects or deficiencies occurring in the review month would go undiscovered for at least six months. In the interim, mispayments may result. This could affect both State and Federal monies.

To improve the MQC claims processing review program, HCFA devised on alternate method (referred to as MQC–II), which has been tested by nine States on a demonstration basis by waiver of the requirements under the authority in section 1115 of the Act pertaining to demonstration projects. This method was tested from October 1, 1981 to September 30, 1982.

Under MQC–II, cases are not selected from an eligibility listing; instead MQC–II selects from claims authorized for payment. No lengthy time period is required for claims collection. Therefore, the rapid identification of processing errors becomes possible. In addition, due to the stratification of the sample, faulty guidelines and systems problems would be more easily discovered, since the sample would include all types of claims and the sample size would become predictable.

During the period that HCFA was testing the MQC–II, the Executive Office of Management and Budget (EOMB) expressed dissatisfaction with the current MQC–I system. Their dissatisfaction was based on the fact that MQC–I requires States to review approximately one-half million claims for processing errors each year. EOMB contends that claims processing errors are usually automated data processing errors, which once corrected remain corrected. In addition, the latest data indicate a national claims processing error rate of .5 percent. EOMB concluded and HCFA agrees that while the claims processing error portion of the MQC–I system was initially useful in detecting and correcting claims processing errors, the cost of maintaining such a system is no longer justified by the resulting benefits. Therefore, EOMB recommended that full claims processing reviews be required only in States that MQC has determined (a) have payment errors exceeding 1 percent of total payments associated with claims processing, and (b) have been paid in excess of $1 million annually in Federal Financial Participation (FPP) for erroneous payments. For the remainder of States, EOMB recommended that the current quality control claims processing system be replaced with a smaller monitoring system.

Smaller samples in the claims processing review under MQC–II does not mean that this activity has become less important. Even in areas where claims processing error rates are low, these errors account for a significant amount of misspent funds. The Medicaid

Quality Control claims processing program has provided HCFA with valuable data for recovering funds for incorrect payments and identifying deficiencies in State claims processing operations. It has also enabled States to focus on corrective action. Since this program has proved to be beneficial, we are proposing to retain the essence of the MQC claims processing program by making it an integral part of the MMIS system for those States that have approved MMIS. For those States that do not have an approved MMIS, we are specifying that they include in their State plan a requirement to operate a quality control system that meets criteria established in regulations. The claims processing assessment system (CPAS) will therefore become an additional requirement for MMIS approval and reapproval under 1903(r)(5) of the Act. As an element of the MMIS, States would be eligible for enhanced funding (i.e., FFP matched at 75 percent rather than at 50 percent) for the operation of the claims processing assessment system. Improvements in identification of erroneous payments are expected to more than offset additional costs of this new MMIS requirement. In addition, States which fail to meet established performance standards for their MMIS risk loss of enhanced funding and reduction to the 50 percent level as specified in section 1903(r)(4)(B) of the Act.

II. Outline of Claims Processing Assessment System (CPAS)

We are proposing that beginning October 1, 1983 all States must operate claims processing assessment systems that have the capability to perform the following functions:

(1) Identify errors in the claims processing operations;

(2) Measure the incidence and cost of errors;

(3) Provide data for determining appropriate corrective action;

(4) Provide an assessment of the State's claims processing or that of its fiscal intermediary;

(5) Provide for a claim-by-claim review where required by HCFA;

(6) Produce an audit trail that can be reviewed by HCFA or an outside auditor.

The above functions have been shown by the MGC–II demonstrations to be essential to an efficient CPAS system. We believe that most States will want to convert to MGC–II. However, MMIS States with demonstrated superior performance may establish alternate claims processing review programs, subject to HCFA approval based on effectiveness, efficiency and economy.

We are proposing to establish a threshold that determines the scope of review as follows (see chart I). The MGC–II system may be operated using a full sample, or using a limited sample. A full MGC–II sample (see discussion in III below), or a system that is adjudged superior, would be required from those States (both MMIS and non-MMIS) that—

- Have error rates exceeding 1 percent and where misspent Federal funds annually exceed $1 million;
- Change claims payment contractor (fiscal agent), or change from a contractor-operated to a State-operated system; or
- Make significant system changes. The submittal of as Advanced Planning Document (APD) (not exclusively related to Surveillance and Utilization Review (SUR), or the Management and Administrative Reporting System (MARS)) would be considered as a significant system change for MMIS States.

States which change their fiscal intermediaries and which make significant system changes will be required to conduct a sample review using an MGC–II system or a superior system at the time the new contract or system change is implemented. However, if these changes occur during the last quarter of the Federal fiscal year (July through September), the change to an MGC–II or a superior system need not be implemented until the beginning of the next Federal fiscal year beginning with October.

A superior system is defined as one which produces all data required by MGC–II and any additional data relevant to the State's claims processing operation. States could utilize additional strata, review denied claims, conduct special studies in problem areas, etc. We would use the findings of the most recent MGC review period, Systems Performance Review (SPR), State assessment, or State data to determine error rates. HCFA will issue annual action transmittals to State agencies by August 15 to inform them of requirements applicable to the next fiscal year (i.e., beginning October 1).

MMIS States with error rates below the threshold would be allowed to perform a claims processing assessment using the method of their choice subject to Federal criteria and approval. Computation of error rates would not be required for these States. However, a report of the results of such assessments would be required to be provided to HCFA. Non-MMIS States below the threshold would be required to operate an MGC–II system with a 60 percent reduction in sample size.

We are proposing that the computer systems aspect of the CPAS be included under the definition of "mechanized claims processing and information retrieval system" at 42 CFR 433.111. As a systems requirement of the MMIS, CPAS would be eligible for enhanced funding, i.e., 90 percent FFP for system design, development, installation or improvement (see 42 CFR 433.112) and at 75 percent for operation (see 42 CFR 433.112) and at 75 percent for operation (see 42 CFR 433.113). All other provisions relating to MMIS included in 42 CFR Part 433 would also apply.

We are proposing that the CPAS reports be submitted by all States as required by HCFA.

HCFA would determine whether a non-MMIS State is properly carrying out its CPAS responsibilities through State assessments. MMIS States would be evaluated using the SPR, which will include a management review, a subsample or audit where appropriate. HCFA would use the SPR to determine whether MMIS States have in continuous operation a quality control claims processing review system, that such systems meet all established functional criteria, that such systems furnish HCFA with timely reports on their operations, and that State Medicaid agency management acts timely to remedy deficiencies detected through the quality control system. In addition, the SPR would continue to subject a sample of processed claims from all MMIS States to a Federal review to establish national standards for critical claims processing functions, and to measure individual MMIS States against such norms.

We are continuing the requirement that States—

- Take action to correct those errors identified through the CPAS or alternate review system and to recover those funds erroneously spent to the extent recovery would be cost effective.
- Take administrative action to prevent and reduce the incidence of those errors.

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CHART I

STATE REVIEW REQUIREMENTS

MMIS STATES	NON-MMIS STATES
MQC II full sample Must meet full reporting requirements	MQC II full sample Must meet full reporting requirements

Threshold: Payment errors exceeding 1 percent and annual FFP for erroneous payments exceeding $1 million. A change of contractors or systems will require a full MQC II review.

Alternate System Must submit an annual report	MQC II 60% sample reduction Must meet full reporting requirements

III. Proposed Claims Processing Assessment System Requirements

The following is a discussion, in greater detail, of the claims processing assessment systems from which States may be required to implement: (1) The MQC–II system, required in States above the threshold and all States that do not have an approved MMIS; and (2) alternate systems which will be subject to prior HCFA approval for use in MMIS States below the threshold.

1. *The MQC–II System.* The MQC–II claims processing review system that would meet HCFA requirements would be an independent claims processing assessment system which provides States with the capability to select and review a sample of claims from all claims authorized for payment. Effective October 1, 1983, this system would be subject to the MMIS approval and reapproval process in MMIS States above the threshold and would be a State plan requirement in non-MMIS States. The system design would be required to provide for a selected stratified sample. States would be given a great deal of flexibility in stratifying their samples. This would permit States to focus their review on the largest claims or the more error-prone groups of providers.

The claims universe would consist of all Medicaid claims authorized for payment by a State agency during a month. The State would review a sample taken from each month's universe of authorized claims.

We recommend that States sample claims from the following categories:

a. Billings for inpatient hospital services;

b. Billings for long-term care services;

c. Billings from clinics, individual practitioners, separate billings for services and supplies;

d. Separately billed prescribed drugs; and

e. Premium or per capita payments, Medicare crossover payments.

In cases where the prescribed categories are undesirable, the State would be permitted to stratify as it chooses, provided there are at least two strata which differentiate by high and low payment amounts.

As part of the review process, States would be required to gather invoices, provider manuals, fee schedules, provider listings, and beneficiary history files. (Histories would include the longer of the service limitation period or the period during which the reviewed claim may be filed.) The scope of the review would include such considerations as documentation of prior authorization, service frequency limitations, appropriate billing procedures, compatability of diagnosis and procedure codes.

The MQC–II claims processing sample universe would consist of all claims authorized for payment by the State agency or is fiscal intermediary. Claims would be subject to sample selection in the month in which payment is authorized rather than in the month in which the service was provided or in the month in which payment was actually made to the provider. Adjustments that both increase and decrease previous payment authorizations would be also subject to sample selection and review. However, claims for which no payment was authorized, that is, denied claims, would not be subject to sample selection.

The MQC–II claims processing sample is designed to provide data on the incidence of claims processing errors and the resulting cost of the errors. Once a claim is selected for review, it is reviewed to determine: (1) if it was processed in accordance with the State's claims processing procedures, and (2) if the payment/adjustment authorization was correct. A claims processing review schedule is completed for each claim selected for review and is used to record information regarding the types and sources of errors found. The claims processing review schedule is designed to demonstrate a cause and effect relationship between processing errors

and resulting dollar errors in the payment/adjustemnt authorization.

The MQC–II claims processing review would be conducted in two major phases and would produce two types of findings. In the first phase, the claim would be reviewed to determine if it was processed correctly (i.e., to determine that all the necessary documentation was present, all the required procedures were followed, coding or data entry errors were made, etc.) If processing errors were made, a procedural error would be recorded on the claims processing review schedule. Procedural errors may or may not result in an incorrect payment/adjustment authorization. (The claims processing operational unit may make errors in processing the claim but the payment authorization may still be correct.)

In the second phase, the State would be required to develop any procedural errors found to determine whether they caused the payment authorization to be incorrect.

Development means that the State must obtain missing documentation, rework payment computations, or perform other activities necessary to determine if the payment authorization was correct. If incorrect, a *dollar error* is citied on the claims processing review schedule. Dollar errors are described in terms of the nature of the error, type of the error (underpayment, overpayment, etc.), and amount of the error. A dollar error finding would be recorded on the claims processing review schedule with the procedural error which was most responsible for the dollar error. As a result, statistical data may be generated which describe the relationship between procedural and dollar errors in States' claims processing programs.

2. *Alternate Claims Processing Systems.* MMIS States below the threshold may operate an alternate claims processing assessment system, and would have a wide range of options from which to choose. The comparable system could be an in-house audit, an independent audit, or alternate quality control system. Any such system would be subject to Federal approval prior to implementation.

State alternate systems, whether performed in-house or by an outside contractor, would be required to:

(1) identify deficiencies in the claims processing operations, (2) measure cost of deficiencies, (3) provide data to determine appropriate corrective actions, (4) provide an operational assessment of the States' claims processing or that of its fiscal intermediary, (5) provide for a claim-by-claim review where justifiable by data, and (6) produce an audit trail that can be reviewed by HCFA or an outside auditor.

The required reporting for these States is minimal. They will not be required to submit detailed samples of claims or to conduct claim by claim reviews.

Deficiencies in claims processing operations are—

1. Payment for incorrect, inconsistent, or incomplete claims;
2. Errors which result in payment for incorrect, inconsistent or incomplete data entries;
3. Payment to a provider not eligible to participate in the program;
4. Payment for service furnished to an ineligible individual;
5. Payment for services not authorized by regulation or policy;
6. Payment above allowable charges or costs;
7. Payments for which the indivuduals was responsible;
8. Duplicate payment.

One example of an alternate system meeting the criteria would be one in which all claims for a specific group or class of providers or beneficiaries are examined. Another example would be one in which all claims are subject to a preliminary screen against specific parameters. Claims failing these parameters would be subject to a complete and independent review.

3. Reporting Requirements for Systems. We would require that States operating an MQC–II quality control program submit to the HCFA regional office, on a monthly basis, a copy of the review schedule for each review completed during the month. As a guideline, States would be expected to complete a minimum of 90 percent of the monthly sample selection within 60 days after the close of the sample month. We would require that claims processing reviews be completed and submitted to the regional office by the end of the ninth month of the review cycle.

Those MMIS States above the threshold and all non–MMIS States would be required to provide the results of their findings on a claim-by-claim basis. A summary report of error rates, error causes, and planned corrective action would be required to be included.

Computation of error rates for MMIS States would not be required for those below the threshold; however, we would require that a report of the results of such assessments be provided to HCFA. Reports are to be submitted no later than June 30 for activities completed by March 31. These States would need only to provide a report which details the methodology employed in determining its errors and descriptions of errors found and the extent of those errors. Deficiencies discovered in the claims processing system must also be detailed. Actions taken to correct deficiencies must also be reported.

4. *Review Procedures.* As noted above, there is to be an interrelationship between SPR and the CPAS for MMIS States. If an MMIS State exhibits poor claims processing performance, as measured by an SPR claims sample, and if this causes the State to fail the SPR, there would be a reduction in the enhanced 75 percent Federal funding level for the cost of operating MMIS. The SPR would also include a management review of the State's CPAS to determine compliance. The State could lose up the 25 percentage points in FFP in the costs of operating its MMIS over a three year period (a maximum of 10 percent annually) for failing to pass the SPR. If indicated by the results of the SPR, a Federal audit to identify misspent claims payments would be initiated. The State would be required to attempt recovery of these funds and to return the Federal portion of the disallowed funds.

A State assessment would be used to determine if a non-MMIS State is carrying out its CPAS responsibilities. If the assessment shows that the State has a deficient CPAS in operation, the State would be cited out of compliance with Federal requirements. In addition, the non-MMIS States could then be subject to a Federal audit to identify erroneous claims payments to be recovered by the State.

IV. Determination of States Errors Above and Below the Threshold

HCFA would use the following indicators to determine whether a State is above or below the error rate and dollar threshold as defined in section II.

For fiscal year (FY) 1983, we wish to encourage States to perform a "phase in" of MQC II or their alternate system, by July 1. It is our intention to use either the MQC–I data from the October, 1980-September, 1981 MQC review period or the October, 1981-March, 1982 MQC review data for the MQC–II States or the most recent data available. States should have furnished these data to HCFA by May 31, 1982 for MQC–II, and April 30, 1982 for MQC–I to determine which system States should phase in. Specific instructions will be provided in a Medicaid Action Transmittal.

HCFA would inform the States by August 15, 1983 concerning individual State requirements for FY 1984. It is our intention to use the MQC data from the April-September 1982 MQC review period for present MQC–I States, and the October, 1982-March, 1983 MQC review period for MQC–II States, or the latest available data. We would

anticipate that States operating CPAS would provide these data to HCFA regional offices by April 30, 1983 for MQC–I States, which is the date these data are due under the current system, and by May 31, 1983 for MQC–II States.

CLAIMS PROCESSING ASSESSMENT SYSTEM REQUIREMENTS BY TYPE OF STATE AND REVIEW PERIOD

Review period	Review period to be based on data from	Column report due by	Inform State of required reviews by	Result of assessment	CPAS requirement for review period
July–September 1983 (Phase In).	October 1980–September 1981 if MQC I was in effect April 1981–March 1982.	Apr. 30, 1982	Apr. 1, 1983	MMIS States above 1 percent error rate and $1 million misspent Federal funds or new contractor or new system.	MQC II (full sample).[2]
	October 1981–March 1982 if MQC II was in effect October 1981–March 1982.	May 31, 1982	Apr. 1, 1983	MMIS States not exceeding 1 percent error rate or $1 million misspent Federal funds.	Alternative systems of State choice (Federally approved).
	Later data will be utilized if available			Non-MMIS States not exceeding 1 percent error rate and $1 million misspent Federal funds or new contractor or new system.	MQC II (full sample).[2]
				Non-MMIS States not exceeding 1 percent error rate or $1 million misspent Federal funds.	MQC II (40 percent of full sample).[2]
Fiscal year 1984.	April–September 1982 if MQC I was in effect October 82–March 83[1].	Apr. 30, 1983	Aug. 15, 1983	MMIS States above 1 percent error rate and $1 million misspent Federal funds or new contractor or new system.	MQC II (full sample). Error rate measured through SPR or State data.[2]
	October 1982–March 1983 if MQC II was in effect October 1982–March 1983.	May 31, 1983	Aug. 15, 1983	MMIS States not exceeding 1 percent error rate or $1 million misspent Federal funds.	Alternative systems of State Choice (Federally approved).
	Latest data available will be utilized.			Non-MMIS States not exceeding 1 percent error rate and $1 million misspent Federal funds or new contractor or new system.	MQC II (full sample). Compliance measured through State assessment and/or State data.[2]
				Non-MMIS States not exceeding 1 percent error rate or $1 million misspent Federal funds.	MQC II (40 percent of full sample). Compliance measured through State assessment.[2]
Fiscal year 1985 and beyond.	SPR or State assessment or State data[1].	June 30 of the previous year.	August 15 of the previous year.	MMIS States above 1 percent error rate and $1 million misspent Federal funds or new contractor or new system.	MQC II (full sample). Error rate measured through SPR or State data.[2]
				MMIS States not exceeding 1 percent error rate and $1 million misspent Federal funds.	Alternative systems of State choice (Federally approved). Error rate measured through SPR.
				Non-MMIS States above 1 percent error rate and $1 million misspent Federal funds or new contractor or new system.	MQC II (40 percent full sample). Compliance measured through State assessment and/or State data.[2]
				Non-MMIS States not exceeding 1 percent error rate or $1 million misspent Federal funds.	MQC II (full sample). Compliance measured through State assessment.[2]

[1] Subject to Federal Review.
[2] If a State can provide data superior to that of the MQC II system they may submit a request to HCFA for approval of that system to be utilized in lieu of the MQC II system.

Fiscal Year 1985 and Beyond

The latest SPR, State assessment, or State data would be utilized to determine individual State requirements. States would be required to furnish their data to HCFA by June 30 immediately following the review period. HCFA would notify States of individual requirements by August 15 of the requirements applicable to the next fiscal year.

V. Provisions of These Regulations

A. Claims Processing

We are proposing to revise Subpart P, Quality control, of Part 431, State Organization and General Administration, to separately identify CPAS requirements. We would do this by revising 42 CFR 431.800(c) to exclude State plan requirements for claims processing reviews in States that have approved MMIS systems under Part 433, Subpart C, and to separate State plan requirements for claims processing from those for eligibility reviews. We would also remove QC–CP and third party liability requirements from 42 CFR 431.800(d) and limit that paragraph to eligibility determinations.

We would add a new paragraph § 431.800(e) that applies specifically to CPAS and includes the following elements that a State agency must follow.

States Operating MQC II Claims Processing Systems must:

- Operate the system in accordance with HCFA policies and procedures; and sample size requirements.
- Select statistical samples of paid claims.
- Review each sample claim to identify erroneous payments resulting from claims processing errors.
- Measure incidence and cost of errors.
- Provide data for determining corrective action.
- Provide an assessment of the State's (or its fiscal intermediary's) claims processing.
- Provide capability for claim by claim review.
- Produce audit trails.
- Use the 6 month periods October–March and April–September as sampling periods.

We intend to notify States through Medicaid Action Transmittals of changes in their sampling reqirements, i.e., whether they must do full scale or limited review as a result of their either failing or exceeding thresholds as well as changes to the thresholds. these notifications are expected to provide sufficient time to allow for timely implementation by the State.

Existing paragraph § 431.800(e) would be redesignated as § 431.800(f) and would continue to specify reporting requirements for eligibility determinations.

We would add a new § 431.800(g) that specifically requires a monthly report on claims processing reviews sampled and on claims processing reviews completed during the month, and a summary report on findings for all reviews in the 6-month sample by the end of the third month following the scheduled completion of reviews for that 6-month period.

Current §§ 431.800(f) and 431.800(h) would be redesignated as §§ 431.800(h) and 431.800(k), respectively.

Current § 431.800(g) would be redesignated as § 431.800(i) and no longer include corrective action rules applicable to claims processing systems, which would be placed in a new § 431.800(j). Corrective action for claims processing errors include reviewing erroneous payments, taking action to reduce or prevent such errors, and reporting to HCFA the State's error analysis and corrective action plan by June 30.

We also intend that this proposed rule constitute the notice requirement called for by 42 CFR § 433.115. That section requires that HCFA provide advance notice and an opportunity for public comment whenever requirements for approval of MMIS systems are modified. We propose to consider that, effective October 1, 1983, "mechanized claims processing and information retrieval system" as defined at 42 CFR 433.111 includes the computer systems aspect of CPAS systems. Part II of the preamble to this rule identifies in detail the proposed system requirements as required by § 433.115(a). We intend to analyze and publish the response to comments (§ 433.115(b)) when we issue a final rule. In addition we intend to include instructions in existing HCFA manuals (§ 433.115(c)) and give adequate lead time for Medicaid agencies to meet these requirements (§ 433.115(d)).

B. Third Party Liability

We propose to further revise Subpart P, Quality Control, of Part 431, State Organization and General Administration by removing the definition of third party liability error in 42 CFR 431.800(b), and the third party liability requirements in 42 CFR 431.800(d).

HCFA plans to place a major emphasis on promoting State improvements to Medicaid Third Party Liability (TPL) programs. HCFA will conduct comprehensive assessments in selected States, building upon and expanding the State assessment process regarding TPL activities. HCFA will use this vehicle to focus its responses on the potential for substantial Medicaid savings and to point out opportunities for establishing cost-effective TPL practices. HCFA will work with those selected States toward resolving problems that have impeded optimization of their TPL programs.

We also are deleting the requirement for a nationwide system of regularly scheduled TPL-QC reviews, thereby eliminating a labor-intensive burden from the States. Serious questions have been raised about the reliability of the TPL-QC data. Rather than maintain a resource-consuming process which produces questionable data, we are deleting the TPL-QC regulatory requirement and replacing it with a strategy emphasizing operational assistance.

In order to track accomplishments in TPL activities more accurately, HCFA will also initiate an effort to improve the reliability of the TPL collection and cost avoidance data reported through its financial reporting system.

VI. Impact Analysis

Executive Order 12291

The cost of implementing system changes in those States which have claims processing systems with high error rates is estimated to be between $4–8 million in fiscal year 1984. This represents added costs for approximately ten States. However, the remaining States with successful claims processing systems will no longer have to incur the expenses of the current Federal review process which includes labor intensive costs such as sampling claims. While HCFA has no data to determine the exact savings to the remaining States from reducing requirements, we expect the overall estimate for all States to reduce costs or not generate added costs. Finally, we believe that improvements in detecting errors and claims processing systems will generate additional program savings to the States and the Federal Government.

We do not expect that these proposed regulations would result in an annual economic impact of $100 million, or meet other threshold criteria of section 1(b) of Executive Order 12291.

Regulatory Flexibility Act

These proposed regulations affect State Medicaid agencies in that they are required to revise their Quality Control claims processing review systems to accommodate the appropriate system changes. However, State Medicaid agencies are not considered small entities under this Act and thus are not subject to the analytic requirements of the Act.

Therefore, the Secretary certifies under 5 U.S.C. section 605(b) enacted by the Regulatory Flexibility Act, Pub. L. 96–354, that these regulations are not likely to result in a significant impact on a substantial number of small businesses, nonprofit entities or small local governments.

VII. Reporting Requirements

Section 431.800 (f), (g) and (j) of this proposed rule contain information collection requirements. In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), we will submit a copy of these rules for review by the Executive Office of Management and Budget (EOMB) of the reporting and/or recordkeeping provisions. The public may submit comments to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building (Room 3208), Washington, D.C. 20503, Attn.: Desk Officer for HCFA.

This regulation deals only with changes to the claims processing requirement, and therefore, includes only those changes to reporting requirements in 42 CFR 431.800(d) as are necessary to conform these changes. HCFA is currently working closely with Social Security Administration and Department of Agriculture, Food and Nutrition Service officials responsible for Aid to Families with Dependent Children (AFDC) and Food Stamp quality control systems, respectively, on implementation of the Integrated Quality Control System (IQCS), and on issues related to this sytem's potential for supplying the necessary quality control reports. Clearly the automated data entry transmission aspects of the system will eliminate the need for certain reporting requirements as they now exist. However, until the IQCS is a fully tested and proven system, it is necessary to ensure that no discrepancies exist between the State agencies' quality control findings and the information received by the Department. This is most critical with regard to reported error rates and final sample disposition. The Department plans to deal with these issues in a future notice of proposed rulemaking to obtain State agency comments prior to establishment of any final reporting requirements.

VIII. 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 will respond to them in the preamble to that rule.

List of Subjects in 42 CFR Part 431

Administrative practice and procedure, Contracts (agreements), Fair hearings, Federal financial participation, Grant-in-Aid program—health, Health facilities, Health maintenance organizations (HMO), Indians, Information (disclosure), Medicaid,

Mental health centers, Prepared health plans, Privacy, Quality control, Reporting and record keeping requirement.

PART 431—STATE ORGANIZATION AND GENERAL ADMINISTRATION

42 CFR, Part 431, Subpart P is amended as set forth below:

Subpart P—Quality Control

The authority citation for Part 431 reads as follows:

Authority: Sec. 1102 of the Social Security Act, (42 US.C. 1302), unless otherwise noted.

Section 431.800 is amended by revising paragraph (a), by removing the definition of third party liability error from paragraph (b), by revising paragraph (c), by revising paragraph (d), by redesignating and revising current paragraphs (e) as (f), (f) as (h), (g) as (i), and (h) as (k), and by adding new paragraphs (e), (g), and (j) to read as follows:

§ 431.800 Medicaid quality control (MQC) system.

(a) *Basis and purpose.*—(1) *Basis.* This subpart implements the following sections of the Act, which establish requirements for state plans and for payment of Federal financial participation (FFP) to States:

1902(a)(4) Administrative methods for proper and efficient operation of the State plan.

1903(u) Limitation of FFP for erroneous medical assistance expenditures.

(2) *Purpose.* This section establishes State plan requirements for a Medicaid quality control system designed to reduce erroneous expenditures by monitoring eligibility determination and claims processing.

* * * * *

C. *State plan requirements.* (1) A state plan must provide for operating a Medicaid quality control (MQC) eligibility system that meets the requirements of paragraphs (d), (f), (h), (i), and (k) of this section.

(2) Except in States that have approved Medicaid Management Information Systems (MMIS) under Subpart C of Part 433 of this chapter, a State plan must also provide for operating an MQC claims processingss system that meets the requirements of paragraphs (e), (g), (h), (j) and (k) of this section.

(d) *Basic elements of MQC eligibility system.* The agency—

(1) Must operate the MQC system in accordance with the policies, sampling methodology, review procedures, and reporting forms and requirements specified in Medicaid quality control manuals issued by HCFA;

(2) Must select statistical samples of both active and negative case actions;

(3) Must review each case in the sample to identify eligibility errors; and

(4) Must review any claims pertaining to each active case to identify erroneous payments resulting from—

(i) Ineligibility; and

(ii) Recipient understated or overstated liability;

(5) In order to verify eligibility information, must conduct field investigations, including—

(i) Personal interviews for each case in the active case sample; and

(ii) Personal interviews for cases in the negative case action sample, to the extent necessary to verify erroneous eligibility determinations; and

(6) Must use 6-month sampling periods, from April through September and from October through March.

(e) *Basic elements of MQC claims processing (CP) system.* The agency must—

(1) Operate the sytem in accordance with the policies, sampling methodology, review procedures and reporting forms and requirements specified in State Medicaid manuals and instructions issued by HCFA;

(2) Select statistical samples of paid claims;

(3) Review each sample claim to identify erroneous payments resulting from claims processing errors;

(4) Measure incidence and cost of errors;

(5) Provide data for determining corrective action;

(6) Provide an assessment of the State's (or its fiscal intermediary's claims processing;

(7) Provide capability for claim by claim review;

(8) Produce audit trails; and

(9) Use the 6 month periods October—March and April—September as sampling periods.

(f) *Reporting requirements for eligibility systems.* The agency must submit reports to the Administrator, in the form and at the time specified by him, including—

(1) A description of the State's sampling plan for active cases and negative cases;

(2) A monthly report on eligibility case reviews completed during the month for all cases in the active case sample for that month and selected cases from the negative case sample for that month;

(3) A monthly report on payment reviews completed during the month for cases in the active case sample. (States must wait 5 months after each sample month before accumulating claims paid for each case—through the fourth month following the sample month);

(4) A summary report on eligibility findings and payment error findings for all cases in the 6-month sample, to be submitted by May 31 of each year for the previous April-September sampling period, and by November 30 for the October-March sampling period; and

(5) Other data and reports that the Administrator requests.

(g) *Reporting requirements for MQC claims processing systems.* The agency must submit reports and data to the Administrator, in the form and at the time specified. States are to submit:

(1) A monthly report on claims processing reviews sampled and on claims processing reviews completed during the month;

(2) A summary report on findings for all reviews in the 6-month sample to be submitted by the end of the 3rd month following the scheduled completion of reviews for that 6-month period; and

(3) Other data and reports as required by the Administrator.

(h) *Access to records.* The agency, upon request, must provide HHS staff with access to all records pertaining to its MQC reviews to which the State has access.

(i) *Corrective action.* The agency must—

(1) Take action to correct any eligiblity, or negative case action errors found in the sample cases;

(2) Take administrative action to prevent or reduce the incidence of those errors; and

(3) By July 31 each year, submit to the Administrator a report on its error analysis and a corrective action plan.

(j) *Corrective action as the result of MQC claims processing review system.* The agency must—

(1) Take action to correct those errors identified through the MQC–CP review system and, if cost effective, to recover those funds erroneously spent;

(2) Take administrative action to prevent and reduce the incidence of those errors; and

(3) By June 30 of each year, submit to the Administrator a report of its error analysis and a corrective action plan on the previous reviews ending March 31.

(k) *Protection of recipient rights.* Any individual performing activities under the Medicaid quality control program must do so in a manner consistent with §§ 435.902 and 436.901 of this subchapter concerning the rights of the recipient.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance)

Dated: March 29, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: July 13, 1983.

Margaret M. Heckler,

Secretary.

[FR Doc. 83-21627 Filed 8-8-83; 8:45 am]

BILLING CODE 4120-03-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6550]

National Flood Insurance Program; Proposed Flood Elevation Determinations; California et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newpaper of local circulation in each community.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Marazik, Chief, Engineering Branch Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified based flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities.

These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

List of Subjects in 44 CFR Part 67.

Flood Insurance, Floodplains.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Fairfield (City), Solano County	Suisum Creek	30 feet upstream from the center of Southern Pacific Railroad.	*18
		Green Valley Creek	100 feet upstream from the center of Central Way	*12
		Ponding	At the center of the intersection of Via Sombrero and Via Verdi.	*14
		Sheet Flow	400 feet north from the center of the intersection of Via Verdi and Via Sombrero.	#1
			At the center of the intersection of Central Way and Commerce Court.	#2
		Dan Wilson Creek	At the center of the intersection of Lookout Hill Road and Central Place.	*16
		McCoy Creek	30 feet upstream from Travis Air Force Base Railroad crossing.	*35
		Pennsylvania Avenue Creek	60 feet upstream from the center of Water Works Lane.	*14
		Ponding	50 feet north from the center of the intersection of Madison Street and Kentucky Street.	*18
		Sheet Flow	At the center of Second Street crossing	#1
		Ledgewood Creek	30 feet upstream from the center of Mafellan Road	#26
		Sheet Flow	At the center of the intersection of Henry Street and Stephen Street.	#1
		Laurel Creek	50 feet upstream from the center of Air Base Parkway	*57
		Sheet Flow	At the center of the intersection of Beauford Drive and Atlantic Avenue.	#1
		Union Avenue Creek	30 feet upstream from the center of Acacia Street	*34
		Ponding	At the intersection of Heather Drive and Dahlia Street	*62
		Sheet Flow	200 feet south from the center of the intersection of Clay Street and Delaware Street.	#1
		Suisun Slough	At the center of the intersection of Illinois Street and Webster Street.	*7

Maps available for inspection at the Department of Public Works, 1000 Webster Street, Fairfield, California.
Send comments to the Honorable Gary Falati, 1000 Webster Street, Fairfield, California 94533.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/Town/County	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD)
California	Rocklin (City), Placer County	Aguilar Road Tributary	25 feet upstream from center of Foothill Road	*287
		Antelope Creek	Center of intersection of Sunset Boulevard and Antelope Creek.	*201
		Clover Valley Creek	100 feet upstream from center of Midas Avenue	*256
		Loomis Tributary	200 feet upstream from confluence with Sucker Ravine.	*294
		Pleasant Grove Creek	50 feet upstream from center of Sunset Boulevard	*130
		Rocklin City Tributary	50 feet upstream from center of Farron Street	*226
		Secret Ravine	100 feet upstream from center of Rocklin Road	*258
		Sucker Ravine	Center of intersection of Dominguez Road and Sucker Ravine.	*292
Maps available for inspection at Planning Department, 460 Rocklin Road, Rocklin, California. Send comments to the Honorable George Wolford, P.O. Box 687, Rocklin, California 95677.				
California	San Rafael (City), Marin County	San Rafael Creek	Intersection of C Street and 1st Street	*9
		San Rafael Bay (San Rafael Canal).	Intersection of High Street and 3rd Street	*6
		San Pablo Bay (Gallinas Creek	Intersection of Civic Center Drive and Southern Pacific Railroad.	*6
		Miller Creek	400 feet along the corporate limits Northwest from the Southern Pacific Railorad.	*12
Maps available for inspection at the Department of Engineering, 1400 5th Avenue, San Rafael, California. Send comments to the Honorable Lawrence Muleyan, 1400 5th Avenue, San Rafael, California 94901.				
Georgia	Unincorporated Areas of McIntosh County	Atlantic Ocean	At the confluence of McCloy Creek and Blackbeard Creek.	*16
			At the confluence of Mud River and New Teskettle Creek.	*17
			At the confluence of Ridge River mouth and Front River.	*18
			At the confluence of the Wahoo River and the South Newport River.	*19
Maps available for inspection at the Chairman of the McIntosh County Commissioner Office, County Courthouse, Darien, Georgia 31305. Send comments to Mr. R. D. Gardner, Chairman, McIntosh Board of County Commissioners, County Courthouse, P.O. Box 584 or Mr. Bert Manning, County Tax Accessor, County Courthouse, P.O. Box 801, Darien, Ceorgia 31305.				
Massachusetts	Ashburnham, Town, Worcester County	Phillips Brook	Downstream corporate limits	*820
			Upstream of Whitman Hill Road	*857
			Upstream of Factory Village Dam	*920
			Upstream of Puffer Road	*972
			Upstream of Old Mill Dam	*1,058
			Upstream of Ashby Road	*1,017
			Approximately 1,165 feet upstream of Ashby Road	*1,132
		Whitman River	Downstream corporate limits	*829
			Upstream of Main Street	*882
			Upstream of Pleasant Street	*968
			Approximately 230 feet upstream of Center Street	*991
Maps available for inspection at the Selectman's Office, Town Hall, Ashburnham, Massachusetts. Send comments to Honorable Leo P. Collette, Jr., Chairman of the Ashburnham Board of Selectmen, Town Hall, Ashburnham, Massachusetts 10430.				
Massachusetts	New Braintree, Town, Worcester County	Ware River	Downstream corporate limits	*553
			Upstream of CONRAIL	*546
			Upstream Sibley Road	*558
			Upstream New Silver bridge	*566
			Upstream Wheelwright Dam	*575
			Upstream corporate limits	*579
		Winimusset Brook	Confluence with Ware River	*569
			Upstream of Wine Road	*600
		Suckar Brook	Downstream corporate limits	*791
			Upstream Utley Road	*889
			Upstream Barre Road	*919
			Outlet to Gusky Pond Stream	*980
		Mill Brook	Downstream corporate limits	*644
			At confluence of Meadow Brook	*649
		Meadow Brook	Confluence with Mill Brook	*649
			Upstream Pierce Road	*668
			Upstream West Brookfield Road	*669
			Upstream corporate limits	*701
Maps available for inspection at the Planning Board, New Braintree Grade School, New Braintree, Massachusetts. Send comments to Honorable Dorothea Vitrak, Chairman of the New Braintree Town Board of Selectmen, New Braintree Grade School, New Braintree, Massachusetts 05131.				
Michigan	(C) Portland Ionia County	Grand River	About 1.2 miles downstream of Chessie System	*706
			About 0.8 mile upstream of Bridge Street	*716
Maps available for inspection at City Hall, 259 Kent Street, Portland, Michigan. Send comments to Honorable Joseph V. Tichuon, Mayor, City of Portland, City Hall, 259 Kent Street, Portland, Michigan 48875.				
New Jersey	Barnegat Light, Borough, Ocean County	Atlantic Ocean	Entire shoreline within community	*15
		Barnegat Bay	Shoreline at 13th Street extended west	*7
Maps available for inspection at the Municipal Building, Ten West 10th Street, Barnegat Light, New Jersey. Send comments to Honorable Henry Ghiglotty, Mayor of the Borough of Barnegat Light, P.O. Box 415, Barnegat Light, New Jersey 08006.				

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Beach Haven, Borough, Ocean County	Atlantic Ocean	Entire shoreline within community	*15
		Little Egg Harbor	Entire shoreline of Little Island	*12
			Entire shoreline within community	*10
Maps available for inspection at the Municipal Building, 300 Engleside Avenue, Beach Haven, New Jersey. Send comments to Honorable Watson F. Pharo, Mayor of the Borough of Beach Haven, 300 Engleside Avenue, Beach Haven, New Jersey 08008.				
New Jersey	Guttenberg, Town, Hudson County	Hudson River	Entire shoreline within community	*10
Maps available for inspection at the Town Hall, 6808 Park Avenue, Guttenberg, New Jersey. Send comments to Honorable Raymond A. Schnyder, Mayor of the Town of Guttenberg, 6808 Park Avenue, Guttenberg, New Jersey 07093.				
New Jersey	Harvey Cedars, Borough, Ocean County	Atlantic Ocean	Entire shoreline within community	*15
		Manahawkin Bay	Entire shoreline within community	*7
Maps available for inspection at the Municipal Building, 16th Street and Long Beach Boulevard, Harvey Cedars, New Jersey. Send comments to Honorable John D. Haight, Mayor of Harvey Cedars, P.O. Box 435, Harvey Cedars, New Jersey 08008.				
New Jersey	Long Beach, Township Ocean County	Atlantic Ocean	Entire shoreline within community	*15
		Barnegat Bay	Shoreline at Cedars Avenue extended	*7
		Manahawkin Bay	Shoreline at Roxie Avenue extended	*9
		Little Egg Harbor	Shoreline at Hobart Avenue extended	*10
			Shoreline 2,000 feet southwest of Roosevelt Avenue extended.	
Maps available for inspection at the Long Beach Township Municipal Building, 6805 Long Beach Boulevard, Beach Haven, New Jersey. Send comments to Honorable James J. Mancini, Mayor of Long Beach Township, 6805 Long Beach Boulevard, Beach Haven, New Jersey 08008.				
New Jersey	Ogdensburg, Borough, Sussex County	Wallkill River	Downstream corporate limits	*556
			Passaic Avenue (upstream side)	*569
			Approximately 70' upstream of Brooks Flat Road	*574
			Upstream corporate limits	*574
Maps available for inspection at the Municipal Building, 14 Highland Avenue, Ogdensburg, New Jersey. Send comments to Honorable John Kibilbis, Mayor of the Borough of Ogdensburg, 14 Highland Avenue, Ogdensburg, New Jersey 07439.				
New Jersey	Perth Amboy, City, Middlesex County	Raritan River	Shoreline west of State Routh 35 bridge	*13
			Shoreline east of State Route 35 bridge	*10
			Shoreline at CONRAIL bridge	*13
		Arthur Kill	Shoreline at Smith Street	*13
			Shoreline at Buckingham Avenue	*12
			shoreline at State Route 440	*12
			Entire shoreline of Woodbridge River	*10
		Spa Spring Creek	Upstream of CONRAIL bridge	*13
			Upstream of Amboy Avenue	*14
Maps available for inspection at the Municipal Building, 260 High Street, Perth Amboy, New Jersey. Send comments to Honorable George J. Otlowski, Mayor of the City of Perth Amboy, 260 High Street, Perth Amboy, New Jersey 08861.				
New Jersey	Princeton, Township, Mercer County	Millstone River	Downstream corporate limits	*54
			Upstream side of Carnegie, Lake Dam	*57
			Confluence of Stony Brook (upstream corporate limits)	*58
		Stony Brook	Confluence with Millstone River	*58
			Upstream side of Alexander Road	*61
			Upstream side of Princeton Pike	*75
			Upstream of Rosedale Road	*88
			Upstream of corporate limits	*115
		Mountain Brook	Confluence with Stony Brook	*88
			Upstream side of Great Road East	*99
			Mountain Lake—entire shoreline	*124
			100 feet upstream of upstream crossing of Gread Road East culvert.	*188
		Branch 2 Mountain Brook	Confluence with Mountain Brook	*109
			Upstream side of Private Road located approximately 1,300 feet upstream of confluence with Mountain Brook.	*118
			Approximately 350' downstream of Cherry Hill Road	*132
		Van Horn Brook	Downstream corporate limits	*134
			Upstream side of U.S. Route 206	*175
			100 feet upstream of Arrenton Road	*204
		Cherry Dam	Downstream Corporate limits	*194
			Upstream side of Cherry Hill Road	*221
		Tributary to Van Horn Brook	Downstream Corporate limits	*138
			Upstream side of Herrontown Road	*172
		Harry's Brook	Confluence with Millston River	*57
			Upstream side of Roper Road	*79
			Upstream side of dam just upstream of Locust Land	*87
			Upstream side of Snowden Lane	*105
		Harry's Brook Branch 1	Confluence with Harry's Brook	*60
			Upstream side of Shadybrook Lane	*83
			Upstream side of Bertrand Drive	*114
		Harry's Brook Branch 2	Confluence with Harry's Brook	*69
			Upstream side of Shadybrook Lane	*87
			Upstream side of Snowden Lane	*108
			Upstream side of Terhune Road	*129
			Upstream side of Thanet Road	*155

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream side of Harrison Street	*171
		Harry's Brook Branch 2-1	Confluence with Harry's Brook Branch 2	*108
			Upstream side of Van Dyke Road	*127
		Harry's Brook Branch 2-2	Confluence with Harry's Brook Branch 2	*115
			Upstream side of Grove Avenue	*142
Maps available for inspection at the Municipal Building, 369 Witherspoon Street, Princeton, New Jersey. Send comments to Honorable Winthrop Pike, Mayor of Princeton Township, 369 Witherspoon Street, Princeton, New Jersey 08540.				
New Jersey	Ship Bottom, Borough, Ocean County	Atlantic Ocean	Entire shoreline within community	*15
		Manahawkin Bay	Shoreline at 27th Avenue extended	*10
			Shoreline at 11th Avenue extended	*8
			Shoreline at 21st Avenue extended	*9
Maps available for inspection at the Municipal Building, 17th and Boulevard, Ship Bottom, New Jersey. Send comments to Honorable Robert W. Nissen, Mayor of the Borough of Ship Bottom, 17th and Boulevard, Ship Bottom, New Jersey 08008.				
New Jersey	Surf City, Borough, Ocean County	Atlantic Ocean	Entire shoreline within community	*15
		Manahawkin Bay	Entire shoreline within community	*8
Maps available for inspection at the Municipal Building, 813 Boulevard, Surf City, New Jersey. Send comments to Honorable Leonard T. Connors, Jr., Mayor of Surf City, 813 Boulevard, Surf City, New Jersey 08008.				
New Jersey	Weehawkin, Township, Hudson County	Hudson River	Entire shoreline affecting community	*10
Maps available for inspection at the Town Hall, 400 Park Avenue, Weehawkin, New Jersey. Send comments to Honorable Wally P. Lindsey, Mayor of the Town of Weehawkin, 400 Park Avenue, Weehawkin, New Jersey 07087.				
New Jersey	West New York, Town Hudson County	Hudson River	Entire shoreline within community	*10
Maps available for inspection at the Town Hall, 428 60th Street, West New York, New Jersey. Send comments to Honorable Anthony M. DeFino, 428 60th Street, West New York, New Jersey 07093.				
New York	Barker, Village, Niagara County	Golden Hill Creek	Approximately 800' upstream of State Route 148	*330
			Approximately 1,900' dowstream of State Route 148	*326
Maps available for inspection at the Village Hall, 8708 Main Street, Barker, New York. Send comments to Honorable Harold Eckers, Mayor of the Village of Barker, 8708 Main Street, Barker, New York 14012.				
New York	Fishkill, Town, Dutchess County	Hudson River	Downstream corporate limits	*8
			Upstream corporate limits	*8
		Fishkill Creek	Confluence with Hudson River	*8
			Second upstream corporate limits	*183
			Upstream of Interstate Route 84 westbound	*212
			Upstream of U.S. Route 9	*214
			Fourth downstream corporate limits	*216
			Upstream of State Route 52	*222
			Upstream corporate limits	*225
		Clove Creek	Confluence with Fishkill Creek	*212
			Upstream of downstream Private Road	*217
			Downstream Private Road	*230
			Upstream of upstream Private Road	*244
			Upstream corporate limits	*250
		Sprout Creek	Confluence with Fishkill Creek	*225
			Upstream corporate limits	*227
		Tributary to Fishkill Creek	Confluence with Fishkill Creek	*211
			Upstream of Wheaton Avenue	*215
			Upstream of U.S. Route 9	*224
			Approximately 2,700' downstream of Cedar Hill Road	*225
Maps available for inspection at the Office of the Town Clerk, 108 Main Street, Fishkill, New York. Send comments to Honorable Stephen Rabbitt, Supervisor of the Town of Fishkill, 108 Main Street, Fishkill, New York 12524.				
New York	Genesee Falls, Town, Wyoming County	Genesee River	Upstream limit of Letchworth State Park	*1,114
			Upstream side County Route 436 bridge	*1,117
			At Whiskey bridge	*1,120
Maps available for inspection at the Town Hall, Church Street, Portageville, New York. Send comments to Honorable Elizabeth Niederhauser, Supervisor of the Town of Genesee Falls, Portageville, New York 14536.				
New York	Hanover, Town, Chautauqua County	Cattaraugus Creek	Confluence with Lake Erie	*579
			Approximately 1,500 feet upstream of State Route 50 and U.S. Route 20.	*591
		Halfway Brook	Confluence with Lake Erie	*579
			Upstream Blading Road	*628
			Approximately 5,900 feet upstream of Blading Road	*747
		Silver Creek	Approximately 700 feet downstream of King Road	*856
			Upstream first crossing of Alleghany Road	*869
			Approximately 3,200 feet upstream of second crossing of Alleghany Road.	*961
		Walnut Creek	Downstream corporate limits	*908
			Upstream Loana Road	*944
			Upstream corporate limits	*1,024
Maps available for inspection at the Hanover Town Hall, 239 Central Avenue, Silver Creek, New York. Send comments to Honorable Larry A. Youngberg, Supervisor of the Town of Hanover, 239 Central Avenue, Silver Creek, New York 14136.				

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Hempstead, Town, Nassau County	Atlantic Ocean	Entire shoreline within community	*14
		Reynolds Channel	Shoreline at northern end of Jefferson Boulevard (extended).	*7
			Shoreline at northern end of Richard Street (extended)	*8
			Shoreline at Cinder Island	*9
		Middle Bay	Shoreline at Colony Drive (extended)	*9
			Shoreline of Parsonage Creek at Jay Way (extended)	*7
		East Bay	Shoreline at Whaleneck Point	*9
			Shoreline of Mud Creek at John Street (extended)	*7
		Head of Bay	Shoreline at Meadow Road (extended)	*9
			Shoreline of Hook Creek at Rockaway Turnpike	*8
Maps available for inspection at the Office of the Commissioner of the Building Department, Town Hall, Hempstead, New York. Send comments to Honorable Thomas Gulotta, Supervisor of the Town of Hempstead, Town Hall, Town Hall Plaza, Hempstead, New York 11550.				
New York	Pork Chester, Village Westchester County	Long Island Sound	Shoreline of Port Chester Harbor	*17
			Byram River at Interstate Route 95	*12
Maps available for inspection at the Village Hall, 110 Willett Avenue, Port Chester, Port Chester, New York. Send comments to Honorable Peter Iasillo, Mayor of the Village of Port Chester, 110 Willett Avenue, Port Chester, New York 10573.				
Oregon	Adams (City), Umatilla County	Wildhorse Creek	Intersection of Wade Street and Main Street	*1,517
		Sand Hollow Creek	Intersection of William Street and East Street	*1,523
Maps available for inspection at City Recorder's Home, Box 112, Adams, Oregon. Send comments to the Honorable Mike Edmiston, Box 20, Adams, Oregon 97810.				
Pennsylvania	Douglass, Township, Montgomery County	Minister Creek	Downstream corporate limits	*271
			Upstream Gilbertsville Road	*266
			Upstream Minister Creek Dam No. 1	*310
			At upstream corporate limits	*337
		Oley Creek	*At confluence with Minster Creek	*275
			Upstream of Gilbertsville Road	*293
			Upstream of Sweinhart Road	*358
			Approximately .24 mile upstream of Sweinhart Road	*374
		Swamp Creek	Most downstream corporate limits	*271
			Upstream of Congo Road	*291
			Approximately .76 mile downstream of County Line Road.	*296
			Approximately 220 feet upstream of County Line Road and County boundery.	*311
		Middle Creek	Downstream corporate limits	*266
			Upstream of dam	*276
			Approximately .56 mile upstream of Dam	*282
		Schlegel Run	Downstream corporate limits	*276
			Upstream of Hoffmansville Road	*306
			Downstream of Hoffmansville Road	*346
		West Branch Perkiomen Creek	Upstream of West Branch Road	*345
			Approximately .38 mile upstream of Dam No. 1	*386
			Upstream of Miller Road	*395
			Upstream County boundary	*411
Maps available for inspection at the Municipal Building, Gilbertsville, Pennsylvania. Send comments to Honorable Walter Hiriak, Chairman of the Douglass Township Board of Supervisors, 1320 East Philadelphia Avenue, Gilbertsville, Pennsylvania 19525.				
Pennsylvania	Honey Brook, Township, Chester County	West Branch Brandywine Creek	Approximately 3,800 feet downstream of South Birdell Road.	*596
			Confluence of Two Log Run	*603
			Just downstream of Horseshoe Pike	*609
		Two Log Run	Confluence with West Branch Brandywine Creek	*603
			Approximately 60 feet upstream of Beaver Dam Road	*606
Maps available for inspection at the Township Building, Suplee Road, Honey Brook, Pennsylvania. Send comments to Honorable James A. Umble, Chairman of the Honey Brook Township Supervisors, Box K, Honey Brook, Pennsylvania 19344.				
Pennsylvania	Newlin, Township, Chester County	West Branch Brandywine creek	Downstream corporate limits	*203
			Upstream side State Route 162	*227
			Upstream side Youngs Road	*235
			Upstream corporate limits	*251
Maps available for inspection at the Township Building, Strasburg Road, Newlin, Pennsylvania. Send comments to Honorable Robert E. Lee, Jr., Chairman of the Newlin Township Supervisors, R.D. 4, Box 344, Coatesville, Pennsylvania 19320				
Pennsylvania	Valley, Township, Chester County	Sucker Run	Downstream corporate limits	*319
			Downstream Grove Avenue	*365
			Approximately 50 feet downstream of Red Road	*413

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
		Rock Run	Confluence with West Branch Brandywine Creek	*335
			Upstream of U.S. Route 30 by Pass	*378
			Approximately 400 feet downstream of corporate limits	*405
		West Branch Brandywine Creek	Most downstream corporate limits	*308
			Most upstream corporate limits	*345
			Upstream of Glencrest Road	*322

Maps available for inspection at the Valley Township Building, 890 West Lincoln Highway, Coatesville, Pennsylvania.

Send comments to Honorable Charles Michinok, Chairman of the Valley Township Supervisors, 890 West Lincoln Highway, Coatesville, Pennsylvania 19320.

Pennsylvania	West Nantmeal, Township, Chester County	Tributary to East Branch Brandywine Creek.	Approximately 600 feet downstream of Creek Road	*498
			Upstream Creek Road	*524
			Approximately 320 feet upstream of Access Road	*544

Maps available for inspection at the Township Building, Route 82, West Nantmeal, Pennsylvania.

Send comments to Honorable Omar Bean, Chairman of the West Nantmeal Township Supervisors, R.D. 2, Box 69, Elverson, Pennsylvania 19520.

Pennsylvania	West Rockhill, Township, Bucks County	Three Mile Run	At downstream corporate limits	*470
			Just upstream Mill Road	*479
			Just downstream of Catch Basin Road	*493
		Tributary to Three Mile Run	Confluence with Three Mile Run	*481
			Just downstream of Forrest Road	*515
		Ridge Valley Creek	At downstream corporate limits	*397
			Upstream of downstream Crossing Upper Rocky Dale Road.	*419
			Just downstream of Allentown Road	*451
		East Branch Perkiomen Creek	At downstream corporate limits	*275
			Upstream Cat Hill Road	*291
			Upstream U.S. Route 309	*296
			At upstream corporate limits	*302

Maps available for inspection at the West Rockhill Township Municipal Building, 1028 Ridge Road, Sellersville, Pennsylvania.

Send comments to Honorable Riochard D. Derstine, Chairman of the West Rockhill Board of Supervisors, 1028 Ridge road, Sellersville, Pennsylvania 18960.

Rhode Island	Middletown, Town, Newport County	Narragansett Bay	Entire shoreline within community	*17
		Rhode Island Sound	Ellery Avenue (extended)	*28
			Hoover Road (extended)	*19
			Easton Point	*28
			Ashurt Avenue (extended)	*28
			Purgatory Road (extended)	*34
			Rocks Road (extended)	*19
			Sachuest Point	*23
		Sakonnet River	Matthews Lane (extended)	*34
			Buena Vista Avenue (extended)	*28
			Peckham Avenue (extended)	*18
		Bailey Brook	Green End Avenue (upstream side)	*13
			Clambake Road (upstream side)	*22
			East Main Road (upstream side)	*45
			Woolsey Road (upstream side)	*72
			Approximately 1,400 feet upstream of St. Lucy School Drive.	*115
		Paradise Brook	Confluence with Nelson Pond	*13
			Access Road (upstream side)	*64
			Green End Avenue (upstream side)	*128
			Upstream of Mitchells Lane	*166
		Maidford River	Approximately 420 feet downstream of Easton Farm Drive.	*13
			Reservoir Road (upstream side)	*47
			Prospect Avenue (upstream side)	*72
			Green End Avenue (upstream side)	*105
			Berkeley Avenue (upstream side)	*117
			Approximately 600 feet upstream of Wyatt Road	*154

Maps available for inspection at the Town Hall, Middletown, Rhode Island.

Send comments to the Honorable Edward Corcoran, Chairman of the Middletown Council, 350 East Main Road, Middletown, Rhode Island 02840.

West Virginia	Hancock County Unincorporated Areas	Ohio River	Downstream County boundary	*675
			Upstream New Cumberland Lock and Dam	*680
			Upstream Newell Highway bridge	*687
			Upstream County boundary	*690
		Kings Creek	Confluence with Ohio River	*675
			Upstream Private Road	*711
			Upstream Kings Creek Road (1st crossing)	*737
			Upstream Sandra Drive	*778
			Upstream Culler Road	*805
			Upstream County boundary	*829
		North Fork	Confluence with Kings Creek	*747
			Upstream North Fork Road	*778
		Tomlinson Run	Confluence with Ohio River	*681
			Approximately .98 mile upstream of confluence with Ohio River.	*696

Maps available for inspection at the Hancock County Courthouse, New Cumberland, West Virginia.

Send comments to the Honorable George Gudyick, President of the Commissioners, P.O. Box 485, Hancock County Courthouse, New Cumberland, West Virginia 26047.

West Virginia	Marshall County	Ohio River	At donwstream county boundary	*640
			At Captina Island	*648
			At corporate limits of City of McMechen	*655

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/Town/County	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Wheeling Creek	At downstream county boundary	*699
			County Route 5 (most downstream crossing) upstream side.	*727
			At Burch Road	*771
		Little Grave Creek	At corporate limits of City of Moundsville	*652
			Lindy Lane (upstream side)	*674
			Approximately .56 mile upstream of Lindy Lane	*686

Maps available for inspection at the Marshall County Courthouse, Moundsville, West Virginia.

Send comments to Honorable Richard Ward, President of the Commissioners, Marshall County Courthouse, Moundsville, West Virginia 26041.

West Virginia	Monongalia County	Deckers Creek	Downstream corporate limits of City of Morgantown	*845
			Downstream of State Route 7	*890
			Downstream side access road bridge	*948
			Approximately 634 feet upstream of State Route 7 bridge.	*1,017
		Dunkard Creek	Downstream county boundary	*914
			Upstream side, most downstream County Route 39 bridge.	*920
				*926
			Upstream side, most upstream County Route 39 bridge.	*940
			Downstream side, most downstream State Route 7 bridge.	
			Downstream side, most upstream State Route 7 bridge.	*946
			Most upstream county boundary	*956
		Monongahela River	Downstream county boundary	*807
			Downstream side, Star City Highway bridge	*811
			Most downstream City of Morgantown corporate limits	*812
			Upstream side, Morgantown Lock and Dam	*819
			Most upstream Morgantown corporate limits	*820
			Upstream side, Interstate 79 bridge	*823
			Upstream side, Hildebrande Locke and Dam	*835
			Upstream side, Opekiska Lock and Dam	*857
			Upstream county boundary	*861
		Aaron Creek	Downstream City of Morgantown corporate limits	*845
			Upstream side, downstream County Route 64 bridge	*849
			Upstream side, upstream County Route 64 bridge	*854

Maps available for inspection at the Monongalia County Courthouse, 245 High Street, Morgantown, West Virginia.

Send comments to Honorable Eugene J. Sellard, Jr., president of the Monongalia County Commissioners, Monongalia County Courthouse, Morgantown, West Virginia 26505.

West Virginia	Pratt, Town, Kanawha County	Kanawha River	Confluence of Paint Creek	*614
			Upstream corporate limits	*615
		Paint Creek	Confluence with Kanawha River	*614
			Upstream corporate limits	*615

Maps available for inspection at the Town Hall, Pratt, West Virginia.

Send comments to Honorable B. G. Crookshanks, Mayor of the Town of Pratt, Town Hall, P.O. Box 126, Pratt, West Virginia 25162.

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

Issued: July 26, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-21641 Filed 8-8-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. 6514]

National Flood Insurance Program; Proposed Flood Elevation Determinations, Minnesota; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Stillwater, Washington County, Minnesota, previously published at 48 FR 20941 on May 10, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Stillwater, Washington County, Minnesota previously published at 48 FR 20951 on May 10, 1983, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

The modified Base Flood Elevation Determination on the Saint Croix River, which reads at upstream corporate

limits, has been changed from 633 to 693 to better agree with the flood profile.

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

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Minnesota	(C) Stillwater Washington County	Saint Croix River	At downstream corporate limits	*693	*692
			At upstream corporate limits	*693	*693
		Browns Creek	About 1,300 feet upstream of State Highway 96	*707	*705
		Long Lake	Shoreline	None	*983

Maps available for inspection at City Hall, 216 North Fourth Street, Stillwater, Minnesota.

Send comments to Honorable Nile Kriesel, Finance Coordinator and Director, City of Stillwater, City Hall, 216 North Fourth Street, Stillwater, Minnesota 55082.

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

Issued: July 28, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-21637 Filed 8-8-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6499]

Proposed Flood Elevation Determinations; Oregon

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule; Revision.

SUMMARY: Technical information or comment s are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Echo, Oregon.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 48 FR 10883 on March 15, 1983 and in *East Oregonia*, published on or about February 3, 1983, and February 10, 1983, and hence supersedes those previously published rules for the areas cited below.

DATE: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the proposed flood elevations are available for review at City Hall, Bonanza, Echo, Oregon.

Send comments to: Honorable Marvin Storz, P.O. Box 9, Echo, Oregon 97826.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: Proposed base (100-year flood elevations are listed below for selected locations in the City of Echo, Oregon, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 92–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

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

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

List of Subject in 44 CFR Part 67

Flood insurance, Flood plains.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Umatilla River	35 feet downstream from the center of Main Street.	*630

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

Issued: July 25, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-21639 Filed 8-8-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. 6492]

National Flood Insurance Program; Proposed Flood Elevation Determinations, Wisconsin; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Village of Soldiers Grove, Crawford County, Wisconsin, previously published at 48 FR 7226 on February 18, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Village of Soldiers Grove, Crawford County, Wisconsin previously published at 48 FR 7226 on February 18, 1983, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

The location and Base Flood Elevation Determination on the Baker Creek, which reads about 1500 feet upstream from confluence of Unnamed Tributary To Baker Creek, 750*, has been changed to about 1760 feet upstream from confluence of Unnamed Tributary to Baker Creek (near U.S. Highway 61), 780*; on Johnson Valley Creek, about 2300 feet upstream from "B" Street, 750* has been deleted and Northern Corporate Limit, 757* has been added; Unnamed Tributary to Baker Creek, Mouth at Baker has been changed from 763* to 764*.

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

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Wisconsin	(V) Soldiers Grove	Baker Creek	About 1,760 feet upstream from confluence of Unnamed Tributary to Baker Creek (near U.S. Highway 61).	*780
		Johnson Valley Creek	Northern corporate limit.	*757
		Unnamed Tributary to Baker Creek	Mouth at Baker Creek.	*764

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

Issued: July 28, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-21640 Filed 8-8-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 81-893]

Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry); Correction

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This document corrects an error in a Notice of Proposed Rulemaking which addressed procedures for implementing the detariffing of customer premises equipment published in the **Federal Register** on June 29, 1983, 48 FR 29891, regarding the Commission vote on the Notice.

ADDRESS; Federal Communications Commisison, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John Cimko, Jr., Common Carrier Bureau, (202) 632–9342.

Erratum

In the matter of Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry); CC Docket No. 81-893.

Released: July 12, 1983.

On June 21, 1983, the Commission released a Notice of Proposed Rulemaking (FCC 83-181) in the above-captioned proceeding. The Commission vote, erroneously recorded on the Notice, is corrected to read: "By the Commission: Commissioner Fogarty not participating; Commissioner Jones absent; Commissioner Sharp concurring in the result."

Federal Communications Commisssion.

William J. Tricarico,

Secretary.

[FR Doc. 83-21592 Filed 8-8-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR PART 73

[MM Docket No. 83-753; RM-4454]

FM Broadcast Stations in Tusayan, Arizona; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Channel 221A to Tusayan, Arizona, in response to a petition filed by Tusayan Broadcasting Company. This assignment could provide for a first FM broadcast service to Tusayan.

DATES: Comments must be filed on or before September 12, 1983, and reply comments on or before September 27, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Tusayan, Arizona) MM Docket No. 83-753 RM-4454.

Proposed Rule Making

Adopted: July 7, 1983.
Released: July 27, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration a petition for rule making filed by Tusayan Broadcasting Company ("petitioner") on May 9, 1983, proposing the assignment of Channel 221A to Tusayan, Arizona, as its first FM broadcast channel. Petitioner submitted information in support of the proposal and expressed its intention to apply for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

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

City	Channel No.	
	Present	Proposed
Tusayan, Arizona		221A

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

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

4. Interested parties may file comments on or before September 12, 1983, and reply comments on or before September 27, 1983, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner(s) of this proceeding: Tusayan Broadcasting Company, 3149 W. Star Trail, Tucson, AZ 85741.

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

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

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

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

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

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

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

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

connection with the decision in this docket.

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

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

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

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

[FR Doc. 83-21562 Filed 8-8-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-738; RM-4457]

FM Broadcast Stations in Silverton, Colorado; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action herein proposes the assignment of Channel 297 to Silverton, Colorado, as that community's third FM service, in response to a petition filed by Patsy Jensen.

DATES: Comments must be filed on or before September 12, 1983, and reply comments on or before September 27, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Silverton, Colorado), MM Docket No. 83-738, RM-4457.

Adopted: July 7, 1983.
Released: July 27, 1983.

1. The Commission has under consideration a petition for rule making filed May 17, 1983, by Patsy Jensen ("petitioner") seeking the assignment of Class C Channel 297 to Silverton, Colorado, as that community's Third [1] local FM broadcast service. Petitioner submitted information in support of the proposal and expressed her intention to apply for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

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

City	Channel No.	
	Present	Proposed
Silverton, Colorado	257A, 280A	257A, 280A, and 297

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before September 12, 1983, and reply comments on or before September 27, 1983, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner(s) of this proceeding: Patsy Jensen, P.O. Box 385, Silverton, Colorado 81433.

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

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

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

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

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

[1] Channel 257A was recently assigned to Silverton, Colorado, in MM Docket No. 83-85.

Failure to file may lead to denial of the request.

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

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

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

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

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

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

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

[FR Doc. 83-21561 Filed 8-8-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-487; RM-3915; BC Docket No. 81-818; RM-3960; RM-4033; RM-4034]

FM Broadcast Stations in Marco, Naples and Key West, Florida; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Petition for Reconsideration; Extension of comment/reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply comments to a petition for reconsideration involving FM channel assignments to Marco, Naples and Key West, Florida. Sterling Communications Corporation requests the additional time to prepare and submit a response.

DATE: Responses to the petition for reconsideration must be filed on or before July 25, 1983.

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

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

Order Extending Time for Filing Comments and Reply Comments to a Petition for Reconsideration

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Marco, Florida), BC Docket 81-487, RM-3915; Amendment (Naples and Key West, Florida), BC Docket 81-818, RM-3960, RM-4033, RM-4034 (6-29-83; 48 FR 29553).

Adopted: July 12, 1983.

Released: July 20, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for reconsideration *(Public Notice* given in the **Federal Register** on June 29, 1983), filed by Roger's Media Service ("RMS"), which seeks reconsideration of the above proceeding. The date for filing responses to this petition is presently July 15, 1983.

2. On July 5, 1983, counsel for Sterling Communications Corporation (petitioner in the original proceeding) filed a request for an extension of time to and including July 25, 1983, to file a response. Counsel states that he will be out of the country July 2 through July 17, 1983. Also, counsel states that the consulting engineers need additional time to review the data submitted by Roger's Media Service. We are also told by counsel that he has informed all parties to this proceeding of his intent to file this request and they have no objection to the extension.

3. We believe that the requested extension of time is justified in order to provide sufficient time to respond to all issues raised in the proceeding. It does not appear that any party involved in the proceeding would be adversely affected by the extension.

4. Accordingly, it is ordered, That the date for filing comments and relpy comments to the petition for reconsideration in Dockets 81-487 and 81-818 is extended to and including July 25, 1983 and August 4, 1983 respectively.

5. This action is taken pursuant to the authority contained in §§ 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-21559 Filed 8-8-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-87; RM-4251]

FM Broadcast Stations in Red Rock, Georgia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein denies a petition to assign FM Channel 292A to Red Rock, Georgia, filed by Malibu Broadcasting. Petitioner failed to establish Red Rock's status as a community for assignment purposes.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Red Rock, Georgia) MM Docket No. 83-87, RM-4251.

Adopted: July 7, 1983.

Released: July 26, 1983.

By the Chief, Policy and Rules Division.

1. Before the Commission is a *Notice of Proposed Rule Making*, 48 FR 7482, published February 22, 1983, proposing the assignment of Channel 292A to Red

Rock, Georgia,[1] as its first FM assignment, in response to a petition filed by Malibu Broadcasting ("petitioner"). Supporting comments were filed by petitioner reaffirming its intention to apply for the channel, if assigned. Opposing comments were filed by Worth County Broadcasters, Inc.[2] ("WCB"), to which the petitioner responded. WCB also filed reply comments.

2. In its comments, WCB asserts that Red Rock is merely a "crossroads" and thus does not qualify as a community for assignment purposes. Moreover, WCB asserts that the 1980 U.S. Census does not recognize the existence of Red Rock, and that contrary to petitioner's contention, it is not the center of population for 657 people. Moreover, WCB questions a map tendered by petitioner purporting to show the boundaries of Red Rock, and asserts it is not an officially recognized map. WCB maintains that Red Rock has no officially recognized boundaries nor any of the indicia normally associated with establishing community status, and thus does not qualify for § 307(b) purposes, citing *Yorktown, Va.*, 38 FR 6695, released March 12, 1973 (*Notice*), and *Vimville, Mississippi*, 48 FR 5974, published February 9, 1983 (*Notice*).

3. Further, while acknowledging that the Commission no longer questions an applicant's intent, WCB asserts that due to economic realities, if the assignment is made at Red Rock, such a station would be forced to look to the communities of Sylvester and Poulan for advertising revenue. Thus, WCB claims, for all practical purposes such an assignment would function as a Sylvester station.

4. WCB states that when BC Docket 80-90 is implemented, it may provide for an FM channel at Sylvester, a community of 4,226 persons, which has the only broadcast service in Worth County. Meanwhile, it is concerned that if Channel 292A is assigned to Red Rock, it may preclude a future assignment at Sylvester, or may greatly limit the Commission's flexibility in administering the new allocations policy announced in BC Docket 80-90.

5. In response, petitioner agrees with WCB that Red Rock is not the population center of Worth County. However, it asserts that it proposes to serve Red Rock since that rural area is presently devoid of any local aural service.

6. Petitioner concedes that Red Rock is unincorporated and has no official boundaries, and that the area which it claims Red Rock comprises, was self-determined. Further, petitioner claims that it is not necessary for an area to be incorporated, nor is it necessary for there to be a Census District bearing the same name as the location desired in order to establish community status. Petitioner explains that its population estimate for Red Rock was derived from first determining the area of the Sylvester Census District by means of a polar planimeter. Next, it declares, this same principle was utilized in determining the area of Red Rock. Petitioner states that once these areas were ascertained, the percentage of Red Rock within Sylvester County was determined by simple division. The resulting percentage, according to petitioner, was then applied to the overall Sylvester Census District, thus yielding the population figure derived at for Red Rock. Petitioner asserts that to his knowledge, other than his calculations, no official population figures exist for Red Rock.

7. Petitioner states that if Channel 292A is assigned at Red Rock, a number of channels would still be available to Sylvester pursuant to BC Docket No. 80-90. Thus, petitioner claims that WCB's fear of precluding future FM service to Sylvester is unfounded and that it appears such concern arises from a fear of economic harm.

8. Petitioner concludes that since the useable area for a Channel 292A assignment is miniscule and could not be utilized in an incorporated area, the assignment could provide the most efficient use of the frequency spectrum. Further, petitioner claims that according to an engineering study, the proposed assignment of Channel 292A to Red Rock will have no adverse impact on future BC Docket No. 80-90 allocations at Sylvester.

9. In its reply comments, WCB reiterates its arguments concerning Red Rock's non-status as a community and the population figure attributed thereto by petitioner. WCB attached to its reply comments an extract from the Census Bureau Reports which reflects the number of inhabitants in Worth County by division and subdivision, none of which recognizes Red Rock. In conclusion, while WCB does not dispute the basic assertion that Worth County needs an FM broadcast facility, it maintains that because petitioner has not established Red Rock's status as a community, its petition should be denied.

10. Although the parties hereto comment on the impact BC Docket No. 80-90 may have on the community of Sylvester, Georgia, that matter is not relevant to the instant proceeding. The Commission cannot theorize on the extent to which proposals in that proceeding may be implemented and thus no further comment with respect to that matter is required.

11. Of paramount concern here is deciding whether Red Rock qualifies as a community for assignment purposes. Although we did not previously question Red Rock's qualification as a community, petitioner responded to Worth's allegations that it has no officially recognized status. Therefore, we must determine, based on the information before us, whether it meets the criteria necessary to implement § 307(b) at Red Rock.

12. As Worth correctly noted in its comments, § 307(b) of the Communications Act of 1934, as amended, necessitates that we require assignments to "communities" as geographically identifiable population groupings. Generally, if the community is listed in the U.S. Census, or is incorporated, that is sufficient to satisfy its status. In the absence of the aforesaid, petitioner is required to provide the Commission with sufficient information to demonstrate that such a place is a geographically identifiable population grouping and may thus qualify as a community for purposes of § 307(b). See *Ansley, Alabama*, 46 FR 58688, published December 3, 1981 and *Cascade Village, Colorado*, 48 FR 19917, published May 3, 1983.

13. Moreover, in the *Declaratory Ruling Concerning the Meaning and Effect of § 73.642(a)(3)*, 55 F.C.C. 2d 187, 189 (1975), the Commission held that:

> Although broadly speaking, a community consists of an identifiable population grouping with common local interests, there is no hard and fast rule to apply in deciding whether a particular population grouping constitutes a community and all relevant facts in each case must be weighed. Incorporation is not a prerequisite, and while a community need not have a clearly delineated area and population, it is no doubt correct to state that in most cases a community is a city, town, village or other political subdivision, citing *Mercer Broadcasting Co.*, 22 F.C.C. 1009 (1957); *Musical Heights, Inc.*, 37 F.C.C. 82 (1964); *Holston Broadcasting Corp.*, 1 R.R. 2d 982 (1964); and *Hymen Lake*, 46 F.C.C. 2d 560 (1974).

14. The Commission has traditionally held that "* * * the term community means a specific locality, with defined boundaries, where the residents share common interests." See, *Naples, Florida*,

[1] A site restriction of approximately 2.2 miles northwest of Red Rock was proposed to avoid short spacing to Station WOKA (Channel 294), Douglas, Georgia.

[2] WCB is the licensee of AM Station WRSG, Sylvester, Georgia.

41 R.R. 2d 1549 at 1553 (1977). As we held in *Coker, Alabama*, 43 R.R. 2d 190 at 193 (1978), absent other evidence "* * * which demonstrates that [local] businesses, organizations or services meet the needs of a recognizable group with common interests, we will not make an FM assignment."

15. By petitioner's own admission the boundaries established for Red Rock were self-imposed. Thus, lacking any official boundaries, there is no assurance that the requirements of § 73.315 of the Commission's Rules with respect to coverage of the proposed service area could be met. See, *Naples, Florida, supra*. Also, as petitioner acknowledges, Red Rock is a part of the Sylvester Census District, and therefore is not a separately identifiable poulation grouping. As a result, we cannot accept the methodology utilized by petitioner to arrive at its population figure for Red Rock. Nor has petitioner demonstrated that Red Rock contains any of the components traditionally considered under Commission criteria to determine community status. See, *Ansley, Alabama, supra; Avon and Beaver Creek, Colorado*, BC Docket No. 82-85 (Mimeo No. 31538), adopted June 3, 1982; and *Cascade Village, Colorado, supra*. In view of the foregoing findings, petitioner's request must fail since it has not established Red Rock's status as a community for assignment purposes.

16. Accordingly, it is ordered, That the petition of Malibu Broadcasting (RM-4251), requesting the assignment of Channel 292A to Red Rock, Georgia, IS DENIED.

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

18. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau. (202) 634-6530.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-21568 Filed 8-8-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-754; RM-4448]

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

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Class C Channel 275 to Roswell, New Mexico, in reponse to a petition filed by Enchantment Broadcast Corporation. This assignment could provide a fourth FM service to Roswell.

DATES: Comments must be filed on or before September 12, 1983, and reply comments on or before September 27, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Roswell, New Mexico) MM Docket No. 83-754, RM-4448.

Adopted: July 13, 1983.

Released: July 27, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed April 26, 1983, by Enchantment Broadcasting Corporation ("petitioner"), proposing the assignment of Class C Channel 275 to Roswell, New Mexico, as that community's fourth FM broadcast service. Petitioner furnished information in support of the assignment and stated its intention to apply for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. Since the assignment of Channel 275 to Roswell, New Mexico, is within 320 kilometers (199 miles) of the U.S.-Mexican border, Mexican coordination is required.

3. The Commission recently proposed the assignment of Channel 263 to Roswell as its third FM assignment (MM Docket 83-512) in response to a petition from Mountain Top Radio.

4. In view of the fact that the proposed assignment could provide a fourth FM broadcast service to Roswell, New Mexico, the Commission believes it is appropriate to propose amending the FM Table of Assignments (§73 202(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Roswell, New Mexico	235,246	235,246 263, and 275.

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

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

6. Interested parties may file comments on or before September 12, 1983, and reply comments on or before September 27, 1983, and are advised to read the Appendix for the proper procedures. A copy of the comments concerning this procedure should be served on the petitioner's counsel: Eugene L. Burke, Burke and Burke, 7777 Leesburg Pike, Falls Church, VA 22043.

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

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

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

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former

pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

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

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

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

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

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

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

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

[FR Doc. 83-21560 Filed 8-8-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-374; RM-4293; RM-4484]

TV Broadcast Stations in Reno, Nevada and Redding, California; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of reply comment period.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding involving a proposed VHF television channel assignment to Reno, Nevada. Golden Empire Broadcasting Company seeks additional time to coordinate engineering data and prepare its reply.

DATE: Reply comments must be filed on or before July 25, 1983.

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

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

Order Extending Time for Filing Reply Comments

In the Matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Reno, Nevada and Redding, California) MM Docket No. 83-374, RM-4293, RM-4484.

Adopted: July 12, 1983.

Released: July 20, 1983.

By the Chief, Policy and Rules Division.

1. On March 30, 1983, the Commission adopted a *Notice of Proposed Rule Making*, 48 FR 18844, published April 26, 1983, in the above-captioned proceeding proposing to assign VHF TV Channel 11 to Reno, Nevada, in response to a petition filed by Harry C. Powell, Jr. Comments have been filed and on May 31, 1983, a counterproposal was filed by Sarkes Tarzian, Inc. to assign Channel 11 to Redding, California. Earlier, Donrey of Nevada, Inc. submitted a counterproposal for an alternate VHF assignment at Reno. By Order released June 20, 1983, the time for filing reply comments thereto was extended to July 15, 1983.

2. On July 7, 1983, counsel for Golden Empire Broadcasting Company ("GEBC"), licensee of Station KHSL-TV, Chico, California, filed a motion for further extension of time in which to file reply comments to and including July 25, 1983. Counsel states that additional time is needed to coordinate technical showings of its consulting engineer with its preparation of substantial information from sources in the field.

3. GEBC indicates that all parties have been contacted and indicated their consent to the requested extension. Further, GEBC states that neither the petitioner nor his consultant was available at the time to request their consent to the motion for extension. However, the certificate reflects they were mailed a copy.

4. We are of the view that the public interest will be served by a grant of the instant request, as such extension will assure development of a sound and comprehensive record on which to base a decision in this proceeding.

5. Accordingly it is ordered, That the time for filing reply comments in MM Docket No. 83-374 (RM-4293 and RM-4484) is extended to and including July 25, 1983.

6. This action is taken pursuant to 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 Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-21565 Filed 8-8-83; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 48, No. 154
Tuesday, August 9, 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

United Power Association; Finding of No Significant Impact

AGENCY: Rural Electrification Administration (REA), USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: REA has made a Finding of No Significant Impact concerning possible financing assistance to the United Power Association (UPA) for the construction of 12 km (7.5 mi) of 230 kV transmission line in McLean County, North Dakota. The line would be a reroute to replace 8.5 km (5.5 mi) of the existing Stanton to McHenry transmission line which is restricting development of the Underwood lignite reserve.

FOR FURTHER INFORMATION CONTACT: REA's Finding of No Significant Impact and Environmental Assessment (EA) and the Borrower's Environmental Report (BER) may be obtained at the Office of the Director, North Central Area-Electric, Room 0230, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone (202) 382-1400, or the United Power Association, Elk River, Minnesota 55330, telephone (612) 441-3121.

SUPPLEMENTARY INFORMATION: ReA has prepared an EA concerning the project which incorporated the BER. REA's independent evaluation of the project leads to the conclusion that approval of the project would not represent a major Federal action that would significantly affect the quality of the human environment.

Alternatives discussed in the EA and BER are no action, alternative routes, alternative sources, retirement of existing line, conservation and alternate technologies. The nature of the alternatives is: The no action would make the mining of the lignite more expensive; the alternative routes cross similar terrain and are approximately the same length, and the other alternatives do not meet the need of the project.

REA has determined that the proposed project is an acceptable alternative because it would avoid, to the extent practicable, cultural and historic resources, important farmland, endangered species habitat, wetlands and floodplains.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: August 2, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-21662 Filed 8-8-83; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Finding of No Significant Impact; Arrowhead Lake RC&D Measure, Iowa

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a 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 Arrowhead Lake RC&D Measure, Pottawattamie County, Iowa.

FOR FURTHER INFORMATION CONTACT: William J. Brune, State Conservationist, Soil Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, IA 50309, telephone 515-284-4260.

SUPPLEMENTARY INFORMATION: The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, William J. Brune, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this measure.

The measure concerns a plan for water quality management and critical area treatment. The planned works of improvement include terraces, grade stabilization structures, water and sediment control basins, field borders, conservation tillage systems, critical area planting and fencing.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting William J. Brune.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development 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 29, 1983.

William J. Brune,

State Conservationist.

[FR Doc. 83-21647 Filed 8-8-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket No. 41414]

Northern Air Lines, Inc., Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to commence on September 14, 1983, at 9:30 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Ave., NW., Washington, D.C., before the undersigned Chief Administrative Law Judge.

Dated at Washington, D.C., August 4, 1983.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 83-21673 Filed 8-8-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Preliminary Determination of Sales at Less Than Fair Value; Potassium Permanganate From the People's Republic of China

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Determination of Sales at Less than Fair Value: Potassium Permanganate from the People's Republic of China.

SUMMARY: We preliminarily determine that potassium permanganate from the People's Republic of China (PRC) is being sold, or is likely to be sold, in the United States at less than fair value. Therefore, we have notified the United States International Trade Commission (ITC) of our determination, and we have directed the United States Customs Service to suspend liquidation of all entries of the subject merchandise. We have directed the U.S. Customs Service to require a cash deposit or the posting of a 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. We found that "critical circumstances" exist with respect to exports of potassium permanganate from the PRC; therefore, the suspension of liquidation is retroactive to 90 days prior to the date of publication of this notice.

If this investigation proceeds normally, we will make our final determination by October 17, 1983.

EFFECTIVE DATE: August 9, 1983.

FOR FURTHER INFORMATION CONTACT: John R. Brinkman, Jr., Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-4929.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that there is a reasonable basis to believe or suspect that potassium permanganate from the PRC is being sold, or is likely to be sold, in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act).

For potassium permanganate sold by China National Chemicals Import and Export Corporation (SINOCHEM), the only known exporter of the subject merchandise, we have found that the foreign market value exceeded the United States price on 100 percent of sales compared.

These margins ranged from 41.13 percent to 47.35 percent. The weighted-average margin on all sales compared is 42.54 percent.

Case History

On February 22, 1983, we received a petition from counsel for Carus Chemical Company on behalf of the potassium permanganate industry. In accordance with the filing requirements of 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of potassium permanganate from the PRC 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 threaten to materially injure, a United States industry. The petition was amended on June 28, 1983, to allege that critical circumstances exist with respect to exports of potassium permanganate from the PRC.

After reviewing the petition, we determined that it contained sufficient grounds to initiate an antidumping investigation on potassium permanganate. We notified the ITC of our action and initiated the investigation on March 14, 1983 (48 FR 11482). On April 8, 1983, the ITC found that there is a reasonable indication that imports of potassium permanganate are materially injuring a United States industry.

A questionnaire was presented to counsel for SINOCHEM on March 25, 1983. Responses were received on May 2, May 25, and June 29, 1983.

As discussed under the "Foreign Market Value" section, we determined that the PRC is a state-controlled-economy country for the purposes of this investigation.

Scope of Investigation

The merchandise covered by this investigation is potassium permanganate, an inorganic chemical produced in free flowing, technical, and pharmaceutical grades. Potassium permanganate is currently classifiable under item 420.2800 of the *Tariff Schedules of the United States Annotated* (TSUSA).

This investigation covers the period from April 1 to December 31, 1982. SINOCHEM is the only known PRC exporter of potassium permanganate to the United States. We examined 100 percent of United States sales made during the period of investigation.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used the purchase price of the subject merchandise to represent the United States price because the merchandise was sold to unrelated purchasers prior to its importation into United States. We calculated the purchase price based on the packed CIF United States port price to the unrelated purchaser. We made deductions for SINOCHEM for PRC inland freight, ocean freight, and marine insurance.

Foreign Market Value

In accordance with section 773 of the Act, we used surrogate country costs of potassium permanganate imported to the United States to determine foreign market value. The petitioner alleged that the economy of the PRC is state-controlled to the extent that sales of the subject merchandise from that country do not permit a determination of foreign market value under 19 U.S.C. 1677b(a). After an analysis of the PRC's economy, and consideration of the briefs submitted by the parties, the Commerce Department concluded that the PRC is a state-controlled-economy country for purposes of this investigation. Among the factors involved in determining the state-controlled issue were that output quotas for purchase by the state are set and that prices are administered at least up to the quota level.

As a result, section 773(c) of the Act requires us to use prices or the constructed value of such or similar merchandise in a "non-state-controlled-economy" country. Our regulations establish a preference for foreign market value based upon sales prices. They further stipulate that, to the extent possible, we should determine sales prices on the basis of prices in a "non-state-controlled-economy" country at a stage of economic development comparable to the country with the state-controlled economy.

It was determined, after an analysis of countries which produce potassium permanganate, that India would be the most appropriate surrogate selection; however, the Indian government did not wish to participate in the investigation. When it was determined that finding a country which manufacturers potassium permanganate and which is at a comparable economic level as the PRC was not possible, we decided to look for a product which is such or similar (as defined in section 771(16) of the Act) to the PRC potassium permanganate.

Based on available information, we were not able to identify any product that could be considered such or similar merchandise within the antidumping law. We therefore proceeded to construct a value based on specific components or factors of production in the PRC, valued on the basis of prices and costs in a non-state-controlled-economy country "reasonably comparable" in economic development to the PRC. After analyzing those non-state-controlled-economies most similar to the PRC, we concluded that Thailand was a comparable economy for valuation of the PRC factors of production. Valuation of the PRC raw materials and labor was based on publicly available pricing and cost information in Thailand. Valuation of the general sales and administrative (GS & A) expenses was determined by applying the percentage which the PRC GS & A expenses were of the PRC variable expenses as the best information available since this information was not publicly available in Thailand. The profit margin applied to the general expenses and cost was the 8 percent minimum required under section 773(e)(1)(B) of the Act.

Affirmative Determination of Critical Circumstances

Counsel for petitioner alleged that imports of potassium permanganate from the PRC present "critical circumstances." Under section 733(e)(1) of the Act, critical circumstances exist when the Department has a reasonable basis to believe or suspect that: (1)(a) There is a history of dumping in the United States or elsewhere of the merchandise under investigation, or (b) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise under investigation at less than its fair value; and (2) there have been massive imports of the merchandise under investigation over a relatively short period.

In proceeding to consider whether there is a history of dumping of potassium permanganate from the PRC in the U.S. or elsewhere, we reviewed past antidumping findings of the Department of the Treasury as well as part Department of Commerce antidumping orders. There have been no past United States antidumping determinations on potassium permanganate from the PRC. We also reviewed the antidumping action of other countries made available to us through the Antidumping Code Committee established by the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade. We found no history of dumping of this product from the PRC.

In determining whether the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise at less than fair value, we considered all information on the record.

We looked at the industry which buys and sells potassium permanganate, which is a fungible commodity. We found that the industry is a small, closely knit industry with an acute awareness of pricing from all sources. This is demonstrated by the fact that members buy from various alternative sources. We determined that in such a small, closely knit industry, there is reason to believe or suspect that importers knew or should have known that the exporters were selling at less than fair value because the potassium permanganate from the PRC was being sold at prices substantially below those from all alternative sources. The price differentials ranged from 20 to 25 percent. We determined that the unique circumstances found in this industry are such that we can impute knowledge of sales at less than fair value to the importers even though they could not anticipate the basis for our fair value determination.

We determined that the importers could not know or should not have known on the basis of the information contained in the petition. We stated in past cases that importers of merchandise from state-controlled economies could not anticipate how the ITA would calculate the foreign market value (Canned Mushrooms from the People's Republic of China (48 FR 22770)). The fact that the petition indicated extremely high margins on the basis of sales in India does not facilitate the anticipation of our methodology.

In preliminarily determining whether there is a reasonable basis to believe or suspect that there have been massive imports over a relatively short period, we considered the following factors: recent import penetration levels; changes in import penetration since the date of the ITC's preliminary affirmative determination of injury; whether imports have surged recently; whether recent imports are significantly above the average calculated over the last several years (1980–1982); and whether the patterns of imports over that three-year period may be explained by seasonal swings. Based upon our analysis of the information, we preliminarily determine that imports of the products covered by this investigation do appear massive over a relatively short period (March through July 1983).

For the reasons described above, we preliminarily determine that critical circumstances do exist with respect to potassium permanganate from the PRC.

Verification

In accordance with section 776(a) of the Act, we will verify all data used in reaching a final determination in this investigation.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend Liquidation of all entries of potassium permanganate from the People's Republic of China which are entered, or withdrawn from warehouse, for consumption, on or after the date which is 90 days before 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 margin amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. The suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Manufacturers/producers/exporters	Weighted-average margins (percent)
SINOCHEM	42.54
All Other Manufacturers/Producers/Exporters	42.54

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports are materially injuring or threatening to materially injure a U.S. industry, before the later of 120 days after the Department made its preliminary affirmative determination or 45 days after the Department makes a final affirmative determination.

Public Comment

In accordance with § 353.47 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m. on August 29, 1983, at the United States Department of Commerce, Room 6802, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by August 18, 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 this notice's publication, at the above address and in at least 10 copies.

This determination is being published pursuant to section 733(f) of the Act (19 U.S.C. 1673(b)).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

August 1, 1983.

[FR Doc. 83-21830 Filed 8-8-83; 8:45 am]

BILLING CODE 3510-25-M

Preliminary Determination of Sales at Less Than Fair Value; Potassium Permanganate From Spain

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Determination of Sales at Less than Fair Value: Potassium Permanganate from Spain.

SUMMARY: We preliminarily determine that potassium permanganate from Spain is being sold, or is likely to be sold, in the United States at less than fair value. Therefore, we have notified the United States International Trade Commission (ITC) of our determination, and we have directed the United States Customs Service to suspend liquidation of all entries of the subject merchandise. We have directed the U.S. Customs Service to require a cash deposit or the posting of a 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 our final determination by October 17, 1983.

EFFECTIVE DATE: August 9, 1983.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-2438.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that there is a reasonable basis to believe or suspect that potassium permanganate from Spain is being sold, or is 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 found that the foreign market value of potassium permanganate from Spain exceeded the United States price on 83.19 percent of sales. These margins ranged from 0.08 percent to 15.49 percent. The overall weighted-average margin on all sales compared is 7.75 percent *ad valorem*.

The weighted-average margins are presented in the "Suspension of Liquidation" section of this notice.

Case History

On February 22, 1983, we received a petition from counsel for Carus Chemical Company on behalf of the potassium permanganate industry. In accordance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petitioner alleged that imports of potassium permanganate from Spain 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 threaten to injure, a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds to initiate an antidumping investigation. We notified the ITC of our action and initiated the investigation on March 14, 1983 (48 FR 11481). On April 8, 1983, the ITC found that there is a reasonable indication that imports of potassium permanganate are materially injuring a United States industry.

A questionnaire was presented to Asturquimica on March 25, 1983. The response was received on May 9, 1983, and a supplemental response was received on June 1, 1983.

Scope of Investigation

The merchandise covered by this investigation is potassium permanganate, an inorganic chemical produced in free flowing, technical and pharmaceutical grades. Potassium permanganate is currently classifiable under item 420.2800 of the *Tariff Schedules of the United States Annotated* (TSUSA).

This investigation covers the period from July 1 to December 31, 1982. Asturquimica is the only known Spanish producer who exports the subject merchandise to the United States. We examined 100 percent of United States sales made during the period of investigation.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price because the merchandise was sold to unrelated purchasers prior to its importation into United States. We calculated the purchase price for Asturquimica based on the C.I.F. price to United States purchasers and in one case on an F.O.B. price. We made deductions for Spanish inland freight, ocean freight, marine insurance, port costs, and price rebates, as appropriate. We added the amount of indirect taxes on exported merchandise which was rebated at the time of export under the provisions of Degravacion Fiscal a la Exportacion. We also added the amount of sales tax which the Spanish government exempts on export sales. This sales tax amount was computed on the basis of the F.O.B. value of the merchandise.

Foreign Market Value

In accordance with section 773(a)(1) of the Act, we calculated foreign market value based on home market sales of Asturquimica. In calculating foreign market value, we made currency conversions from Spanish pesetas to United States dollars in accordance with § 353.56(a)(1) of the Commerce Regulations using the certified daily exchange rates.

All home market sales reported by Asturquimica were to unrelated companies. Since all U.S. sales reported by Asturquimica were made to distributors, in our calculation of fair market value we used only those sales

in the home market that were made to wholesalers. We calculated the foreign market value by deducting the cost of loading trucks and a discount for prompt payment where appropriate from the F.O.B. plant price. An adjustment was made for differences in credit costs in accordance with § 353.15 of the Commerce Regulations. The credit costs for both markets were computed on the basis of actual interest expense incurred on each sale. Asturquimica requested that U.S. credit expenses be adjusted for revenue gains or losses resulting from fluctuations in the currency exchange rates. The Department did not allow this exchange rate adjustment in its preliminary determination. We will seek to obtain additional data on this claim at verification. We deducted the home market packing cost and added the U.S. packing cost.

We did not make an adjustment for quantity discounts as requested by Asturquimica. The respondent's reported quantity discounts are not linked directly to individual sales, but are instead based on the customer's past and anticipated aggregate purchases. The price levels granted on the basis of aggregate purchases may vary depending on the specific customer relationship. Therefore, the Department determined that the discounts were not the type of discount referred to in 19 CFR 353.14(b)(1).

We did not make a level of trade adjustment as requested by Asturquimica in the calculation of foreign market value because we used only home market sales to customers which we determined to be at the same level of trade as those in the U.S.

We did not allow the respondent's claim for a technical services adjustment because the expenses claimed were not linked directly to the sales under consideration as required in 19 CFR 353.15(a).

We did not allow the respondent's claim for an adjustment for bad debts in the home market because we did not have data on the specifics of the bad debt loss and Asturquimica's accounting practices. We will seek further information on this claim during verification.

Verification

For purposes of this preliminary determination, we will verify all data used in reaching the final determination, as provided in section 776(a) of the Act.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of potassium permanganate. 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 margin amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. The suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Manufacturers/producers/exporters	Weighted-average margins (percent)
Asturquimica	7.75
All Other Manufacturers/Producers/Exporters	7.75

ITC Notification

In accordance with section 733(f) of the act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports are materially injuring or threatening to materially injure a U.S. industry, before the later of 120 days after the Department makes its preliminary affirmative determination or 45 days after the Department makes a final affirmative determination.

Public Comment

In accordance with § 353.47 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m. on August 30, 1983, at the United States Department of Commerce, conference room D, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by August 23, 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 this notice's publication, at the above address and in at least 10 copies.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

August 1, 1983.

[FR Doc. 83-21829 Filed 8-8-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265, as amended), will meet jointly with the Southeast Regional Director of the National Marine Fisheries Service. The Council will also conduct the public meetings to discuss the shrimp/ stone crab conflict (proposed emergency regulations and proposed framework amendment); status report in preparation of amendments to the Mackerel Fishery Management Plan (FMP); report on inter-Council Committee actions on the Swordfish and Billfish FMPs; environmental assessment and protection programs, as well as election of a Chair- and Vice-Chairperson.

DATES: The Council meetings will convene at 8:30 a.m., Wednesday, September 14, 1983, and recess at approximately 5 p.m.; reconvene at 8:30 a.m., Thursday, September 15, 1983, and adjourn at approximately noon. Public Committee meetings of the Council will also be held Monday and Tuesday, September 12-13, 1983.

ADDRESS: The public meetings will take place at the Beinville House, 320 Decatur Street, New Orleans, Louisiana.

FURTHER INFORMATION: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228-2815.

Dated: August 2, 1983.

Ann D. Terbush,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-21696 Filed 8-9-83; 8:45 am]

BILLING CODE 3510-22-M

Intent To Conduct a Review of Government Versus Contract Operation

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of intent to conduct reviews.

SUMMARY: Notice is hereby given pursuant to Office of Management and Budget (OMB) Circular A-76 and the Department of Commerce Administrative Order 201-41 implementing OMB Circular A-76, that the National Oceanic and Atmospheric Administration (NOAA) intends to conduct reviews of Government operation versus contract operation of the activities listed below. Contracts may or may not result from the reviews. Results of the reviews will be made available to bidders, offerers, and all interested parties.

FOR FURTHER INFORMATION CONTACT: William J. Coleman, Special Assistant to associate Administrator, DOC/NOAA/AA, Herbert C. Hoover Building, Room 5126, 14 St. and Constitution Ave., NW., Washington, D.C. 20230.

SUPPLEMENTARY INFORMATON:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Name of activity	Location of activity	Review start date	Review end date
1. Computer Facility Operations.	Suitland, MD	1/1/84	9/30/84
2. Geodetic Operations Branch.	Rockville, MD	10/1/83	9/30/84
3. Marine Center Operations.	Seattle, WA	11/15/83	9/30/84
4. Weather Computer Operations.	Camp Springs, MD	1/1/84	9/30/84

Dated: July 28, 1983.

Samuel A. Lawrence,

Director, Office of Administrative and Technical Services.

[FR Doc. 83-21650 Filed 8-8-83; 8:45 am]

BILLING CODE 3510-12-M

COMMISSION OF FINE ARTS

Notice of Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, September 13, 1983 at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington including buildings, memorials, parks, etc., also matters of design referred by other agencies of the government. Access for handicapped persons will be through the main entrance to the New Executive Office Building on 17th Street between Pennsylvania Avenue and H Street, NW.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 566-1066.

Dated in Washington, D.C. August 2, 1983.

Donald B. Myer,

Assistant Secretary.

[FR Doc. 83-21657 Filed 8-8-83; 8:45 am]

BILLING CODE 6330-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

The DoD Advisory Group on Electron Devices (AGED) wil meet in closed session on 14 September 1983 at the AGED Secretariat, 1925 N. Lynn Street, Suite 1000, Arlington, VA 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments proposed to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. 92-463, as amended, (5 U.S.C. App. 1 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

August 4, 1983.

[FR Doc. 83-21632 Filed 8-8-83; 8:45 am]

BILLING CODE 3810-01-M

DoD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session on 12-13 September 1983 at the AGED Secretariat, 1925 N. Lynn Street, Suite 1000, Arlington, VA 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. No. 92-463, as amended, (5 U.S.C. App. 1 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

August 4, 1983.

[FR Doc. 83-21644 Filed 8-8-83; 8:45 am]

BILLING CODE 3810-01-M

DoD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session on 31 August 1983 at the AGED Secretariat, 1925 N. Lynn Street, Suite 1000, Arlington, VA 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering,

the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. 92–463, as amended, (5 U.S.C. App. 1 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

August 4, 1983.

[FR Doc. 83-21645 Filed 8-8-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Guaranteed Student Loan Program and Plus Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice of Special Allowances for Quarter Ending June 30, 1983.

The Assistant Secretary for Postsecondary Education announces a special allowance to holders of eligible loans made under the Guaranteed Student Loan Program (GSLP) or the PLUS Program. This special allowance is provided for under section 438 of the Higher Education Act of 1965 (the Act), as amended (20 U.S.C. 1087–1). Except for loans subject to section 438(b)(2)(B) of the Act, 20 U.S.C. 1087–1(b)(2)(B), for the quarter ending June 30, 1983, the special allowance will be paid at the following rates:

	Applicable interest rate percent [1]	Annual special allowance rate percent	Special allowance rate percent
GSLP loans or PLUS loans made prior to October 1, 1981	7	5.375	1.34375
	9	3.375	0.84375
GSLP loans or PLUS loans made on or after October 1, 1981	7	5.28	1.32
	9	3.28	0.82
	12	0.28	0.07
	14	0.00	0.00

[1] For quarter ending June 30, 1983.

The Assistant Secretary determines the special allowance rate in the manner specified in the Act, for loans at each applicable interest rate, by making the following four calculations:

(a) *Step 1.* Determine the average bond equivalent rate of the 91-day Treasury bills auctioned during the quarter for which this notice applies;

(b) *Step 2.* Subtract from that average the applicable interest rate (7, 9, 12, or 14 percent) of loans for which a holder is requesting payment;

(c) *Step 3.* (1) Add 3.5 percent to the remainder; and

(2) In the case of loans made before October 1, 1981, round the sum upward to the nearest one-eighth of one percent;

(d) *Step 4.* Divide the resulting percent in step 3 (either (c)(1) or (c)(2), as applicable) by four.

FOR FURTHER INFORMATION CONTACT: Andrejs Penikis, Program Specialist, or Larry Oxendine, Chief, Policy Section, Guaranteed Student Loan Branch, Division of Policy and Program Development, Department of Education on (202) 245–2475.

(Catalog of Federal Domestic Assistance No. 84.032, Guaranteed Student Loan Program and PLUS Program)

Dated: August 3, 1983.

C. Ronald Kimberling,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 83-21575 Filed 8-8-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Financing the Disposal of Commercial Spent Nuclear Fuel and Processed High-Level Radioactive Waste; Availability of Report

AGENCY: Nuclear Waste Policy Act Project Office, Office of the Secretary, DOE.

ACTION: Notice of availability of report.

On Janaury 7, 1983, the President signed into law the Nuclear Waste Policy Act of 1982 (Pub. L. 97–425), which established programs and procedures to provide for "a permanent solution to problems of civilian radioactive waste disposal."

For about two decades, high-level radioactive waste from the commercial use of nuclear power has accumulated steadily in the form of spent fuel stored at reactor sites around the country. Recognizing that the accumulation and projected generation of radioactive wastes create potential risks for the public, the Congress established a Nuclear Waste Fund under Section 302 of the Act to ensure funding of a safe and environmentally acceptable program for the disposal of high-level nuclear waste and spent fuel. This fund is composed of payments from a 1.0 mill per kilowatt-hour (Kwhr) fee for electricity generated by civilian nuclear power reactors on or after April 7, 1983, as well as one-time payments equivalent to an average charge of 1.0 mill per Kwhr for: (a) Spent nuclear fuel and solidified waste produced before April 7, 1983; and (b) nuclear fuel in the reactor cores of commercial nuclear power plants as of April 6, 1983.

In keeping with the Department's commitment to inform the public of all aspects of its civilian radioactive waste management program, a report that evaluates whether collection of the fees will provide sufficient revenues to offset the waste disposal program costs was recently prepared. Accordingly, the purpose of this notice is to announce the availability of this report, which is entitled *Report on Financing the Disposal of Commercial Spent Nuclear Fuel and Processed High-Level Radioactive Waste*, July 1983 (DOE/S-0020/1).

Copies of this report may be obtained by either telephoning or writing to the Office of Public Affairs, Room 1E-218, U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. The telephone number is: (202) 252-5568.

FOR FURTHER INFORMATION CONTACT: Mr. William M. Sprecher, U.S. Department of Energy, Business Operations and Waste Fund, Nuclear Waste Policy Act Project Office, Room 7F-031, (Mail Stop S-10), Forrestal Building, 1000 Independence Ave., SW., Washington, D.C., 20585. Telephone (202) 252-5294.

Issued in Washington, D.C. July 29, 1983.

Robert L. Morgan,

Project Director, Nuclear Waste Policy Act Project Office.

[FR Doc. 83-21593 Filed 8-8-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TA83-2-1-005]

Alabama-Tennessee Natural Gas Co.; Notice of Compliance Filing

(August 3, 1983.)

Take notice that on July 29, 1983, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), Post Office Box 918, Florence, Alabama, 35631, tendered for filing Third Substitute Fortieth 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 May 1, 1983.

Alabama-Tennessee states that the revised tariff sheet is submitted in compliance with the Commission's letter order of July 5, 1983, in this matter.

Third Substitute Fortieth Revised Sheet No. 3-A provides for the following rates:

Rate schedule	Rates after current adjustment
G-1:	
Demand	$7.66
Commodity	373.59¢
SG-1: Commodity	429.55¢
I-1: Commodity	398.75¢

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 said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before August 17, 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; provided however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further plending Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-21600 Filed 8-8-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA83-2-21-002 (PGA83-4, IPR83-2, AP83-2)]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

August 3, 1983.

Take notice that Columbia Gas Transmission Corporation (Columbia) on July 29, 1983, tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, to be effective on September 1, 1983:

Eighty-eighth Revised Sheet No. 16
Second Revised Sheet Nos. 16B through 16D
Thirtieth Revised Sheet No. 64
Ninth Revised Sheet Nos. 64E through 64I

Columbia states that the tendered rates reflect a $0.87 demand increase and a 10.32¢/dth commodity decrease, which results in an approximate decrease of $34,700,000 for the subject PGA period. This reduction is composed of the net of (1) the proposed PGA tracker increase, (2) a decrease in the PGA surcharge and the Advance Payment surcharge from those which currently are in effect, and (3) the termination of the two special surcharges applicable to retroactive payments in connection with Order Nos. 93 and 93-A, and NGPA well qualification filings.

The proposed changes reflect:

(1) A PGA rate adjustment applicable to Sales Rate Schedules pursuant to § 20.3(c) of the General Terms and Conditions of Columbia's FERC Gas Tariff, Original Volume No. 1, to recover an increase in the cost of gas purchased of $33,253,938 based on the six months ending February 29, 1984. Such increase is solely attributable to amounts to be paid by Columbia to certain of its pipeline suppliers under Commission approved minimum bill settlement agreements;

(2) A Commodity Surcharge Adjustment applicable to Sales Rate Schedules pursuant to Section 20.6(a) of the General Terms and Conditions of Columbia's FERC Gas Tariff, Original Volume No. 1, to recover a deferred purchased gas cost amount of $61,920,298 as of June 30, 1983, over the six-month period September 1, 1983 through February 29, 1984. Included in the amount is the effect of repricing old gas production at applicable NGPA levels for the period January through May 1982;

(3) A Puchased Gas Cost Surcharge Adjustment applicable to Rate Schedule SGES pursuant to § 20.6(b) of Columbia's FERC Gas Tariff, Original Volume No. 1, to recover an increase in the cost of gas purchased of $1,404,904 over the six-month period September 1, 1983 through February 29, 1984; and

(4) An Advance Payment Adjustment, pursuant to Article IX of the Stipulation and Agreement in Docket Nos. RP76-94, *et al.*, approved by Commission letter order issued March 16, 1978. Such Advance Payment Adjustment provides for an annual decrease of $2,160,384.

In addition, Columbia's filing also contained material related to the affiliated entities test contained in Section 601(b)(1)(E) of the NGPA. Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before August 17, 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-21601 Filed 8-8-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-452-000]

Columbia Gas Transmission Corp. and Columbia Gulf Transmission Co.; Application

August 3, 1983.

Take notice that on August 1, 1983, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027, (hereinafter jointly referred to as Applicants), filed in Docket No. CP83-452-000, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of

public convenience and necessity authorizing the transportation of natural gas, which was committed or dedicated to interstate commerce on November 8, 1978, on behalf of various existing customers of Columbia Gas for the account of industrial end-users which have purchased or will purchase said natural gas from Exxon Corporation (Exxon).

Applicants propose to transport, on a best efforts basis, natural gas purchased by industrial end-users from Exxon, said natural gas having been released from contract by Columbia Gas, for a term to expire November 1, 1984. It is indicated that the end-users will utilize the gas to displace alternate fuels, to avoid plant closings or to reopen closed plants.

It is stated that in an effort to mitigate Columbia Gas' exposure to take-or-pay payments, Columbia Gas has entered into a release agreement with Exxon whereby Columbia Gas has agreed to release Exxon from its sales obligations for natural gas classified under Sections 102(c) and 103 of the NGPA, to the extent that Columbia Gas cannot purchase said natural gas from Exxon. It is further stated that under the release agreement approximately 100,000 Mcf per day of Sections 102(c) and 103 natural gas is available for sale by Exxon of which approximately 85,000 Mcf per day was committed or dedicated to interstate commerce on November 8, 1978.

Applicants indicate that the natural gas will be received by Columbia Gulf from Exxon at existing points of receipt on Columbia Gulf's system in Louisiana and will be redelivered at existing points of delivery to Columbia Gas for redelivery to local distribution companies for the account of industrial end-users.

For such transportation service, Columbia Gas would charge 40.11¢ per dt and would retain 2.85 percent of the quantities received for company-use and unaccounted for gas. Columbia Gulf would charge either 26.19¢ per dt or 44.63¢ per dt, depending on the point of receipt, and would retain 3.33 percent of the quantities received for company-use and unaccounted for gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21602 Filed 8-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP83-258-000 and CP83-258-001

Columbia Gulf Transmission Co.; Application

August 3, 1983.

Take notice that on March 29, 1983, as amended on July 15, 1983, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket Nos. CP83-258-000 and CP83-258-001 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Louisiana Intrastate Gas Corporation (LIG), 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 on a best-efforts basis 18,100 Mcf of natural gas per day produced in Lafourche Parish, Louisiana. Applicant proposes to transport the gas from a point of interconnection with LIG's facilities and Applicant's 12-inch Paradis pipeline in Lafourche Parish, Louisiana, and the point of interconnection with LIG's facilities and Applicant's 10-inch South Bourg Field line in Lafourche Parish, Louisiana, and redeliver thermally equivalent quantities of gas to LIG at the following points:

(i) An interconnection of Applicant's and LIG's facilities near Gibson, Louisiana;

(ii) The tailgate of Exxon's Garden City processing plant, St. Mary Parish, Louisiana; and/or

(iii) The tailgate of Exxon's Lirette processing plant, Terrebonne Parish, Louisiana.

Applicant states that it would transport such volumes of gas for LIG through available capacity in its facilities and redeliver to LIG a thermally equivalent quantity of gas, reduced by adjustments for unaccounted-for gas.

Applicant proposes a rate of 3.94 cents per Mcf of gas received for transportation at the points of receipt. It is asserted that the minimum monthly bill would be calculated at 66⅔ percent of the daily quantity of 8,200 Mcf per day multiplied by the transportation rate of 3.94 cents and multiplied further by the number of days in the month. Applicant states that the transportation would continue for a period of three years from the date of initial deliveries and yearly thereafter unless terminated by either party upon prior written notice.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public

convenience and necessity. If a motion for leave to intervene is timely filed, of 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. 83-21603 Filed 8-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-438-000]

East Tennessee Natural Gas Co.; Application

August 3, 1983.

Take notice that on July 22, 1983, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP83-438-000, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of up to 75,000 Mcf of gas per day on a best-efforts basis to THC Pipeline Company (THC), formerly Energy Gathering, Inc., for resale for one year, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The Commission in Docket No. CP81-43-000 pursuant to Section 1(c) of the Natural Gas Act declared THC to be exempt from the provisions of the Act and the orders, rules and regulations of the Commission issued thereunder.

Applicant proposed to sell the gas to THC at its current average system load factor rate of 3.6079 per Mcf. It is stated that the gas would be made available to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), at Applicant's existing Lobelville and/or Greenbrier receipt points located in Robertson and Perry Counties, Tennessee. Tennessee proposes to charge Applicant $.01 per Mcf to transport the gas by displacement to an existing interconnection between Tennessee and Channel Industries Gas Company (Channel) in Newton County, Texas, where THC would take title to the gas. THC proposes to arrange and pay for transportation by Channel, to an existing interconnection of its facilities with Channel's facilities, located in Chambers County, Texas.

Applicant alleges that the proposed sale would replace THC's interstate gas supply which has been sold to Houston Lighting and Power Company's Cedar Bayou Generating Station for the past several years but which is not presently occurring. Additionally, Applicant states that the gas to be sold to THC is surplus to the requirements of Applicant's customers and would enable Applicant to sell 9,746,000 Mcf of gas off-system to avoid estimated minimum bill charges of $29.8 million from its pipeline supplier, Tennessee, during the period July 1, 1983, through June 30, 1984.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the 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. 83-21604 Filed 8-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7248-000]

Franklin Falls Hydro Electric Corp.; Exemption From Licensing

Issued: May 16, 1983.

A notice of exemption from licensing of a small hydroelectric project known as Giles Pond, Project No. 7248 was filed on April 28, 1983, by Franklin Falls Hydro Electric Corporation. The proposed hydroelectric project would have an installed capacity of 200 kW and would be located on Salmon Brook in the City of Franklin, Merrimack County, New Hampshire.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in Section 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of May 28, 1983.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

[FR Doc. 83-21599 Filed 8-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-14-001 PGA 83-3(a)]

Lawrenceburg Gas Transmission Corp.; Proposed Change in FERC Gas Tariff

August 3, 1983.

Take notice that on July 29, 1983, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two (2) substitute gas tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, both of which are dated as issued on July 28, 1983, proposed to become effective August 1, 1983, and identified as follows:

Substitute Thirty-first Revised Sheet No. 4

Substitute Twenty-eighth Revised Sheet No. 18

Lawrenceburg states that its revised tariff sheets were filed under its Purchased Gas Adjustment Provision and in substitution for those previously filed with its August 1, 1983 PGA. Lawrenceburg states that this revision was required because of a significant change in its gas supply purchase pattern reflected in its original filing.

Copies of this filing were served upon Lawrenceburg's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before August 17, 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. 83-21605 Filed 8-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA83-7-000]

Mueller Engineering Corp.; Amendment of Application for Staff Adjustment

August 3, 1983.

On Feburary 7, 1983, Mueller Engineering Corporation (Mueller), 1010 Wilson Building, Corpus Christi, Texas 78476, filed with the Federal Energy Regulatory Commission (Commission) an application under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. V 1982) and Rule 1104 of the Commission's Rules of Practice and Procedure (18 CFR 385.1104, 47 FR 19041, May 3, 1982). Notice of Mueller's application was issued March 1, 1983 (48 FR 9363, March 4, 1983). On July 29, 1983, Mueller filed an amendment to its application for adjustment. Mueller clarifies in the amendment that the request for relief from § 271.805 of the Commission's regulations (18 CFR 271.805 (1982)) was on behalf of Mueller, as well as all the working, royalty, and overriding interest owners in the Bordovsky-State of Texas #A-2 Well. Furthermore, Mueller states that the NGPA section 108 prices were collected from Natural Gas Pipeline Company of American commencing November 9, 1981, instead of September of 1981, as originally stated in the application for adjustment.

The procedures applicable to the conduct of this adjustment proceeding are found in Rules 1101-1117 of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of Rule 214. All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21606 Filed 8-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-429-000]

Natural Gas Pipeline Company of America; Application

August 3, 1983.

Take notice that on July 19, 1983, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP83-429-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas to Transwestern Pipeline Company (Transwestern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 20,000,000 Mcf of gas, on an interruptible basis, to Transwestern for a term of one year, commencing on the date of first deliveries to Transwestern. Applicant would deliver the subject gas to Transwestern at three existing delivery points: Eddy County, New Mexico; Gray County, Texas; and Hansford County, Texas. Applicant states that the proposed sale is pursuant to a June 24, 1983, amendment to a gas sales agreement between Applicant and Transwestern dated May 29, 1981, as amended May 27, 1983.

Applicant states that for various reasons it has experienced a reduction in demand for its gas and that this resulted in an excess deliverability situation from which arose a serious take or pay problem. At present, Applicant submits that it has paid approximately $58 million under take-or-pay provisions of its gas purchase contracts and of this amount, it has recovered only $18 million. Applicant estimates that its potential take-or-pay exposure is estimated to be $200 million by the end of fiscal 1984. Applicant maintains that the sale proposed herein would help to relieve some of its take-or-pay obligations and would, therefore, benefit its customers.

Applicant proposes to charge Transwestern the commodity portion of its Rate Schedule DMQ-1 rate, less the GRI surcharge. Applicant states that the treatment of revenues would be deferred to its pending rate case.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the 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. 83-21607 Filed 8-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7238-000]

Dr. H. Dale Richardson; Exemption From Licensing

Issued: May 16, 1983.

A notice of exemption from licensing of a small hydroelectric project known as the Dalesmoore Plantation Hydropower Project, Project No. 7238, was filed on April 19, 1983, by Dr. H. Dale Richardson of Atlanta, Georgia. The proposed hydroelectric project would have an installed capacity of 96 kW and would be located on the Red Oak Creek at the Dalesmoore Plantation Dam in Meriwether County, Georgia.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in Section 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above

project is exempted from licensing as of May 18, 1983.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

[FR Doc. 83-21598 Filed 8-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-419-000]

Southern Natural Gas Co.; Request Under Blanket Authorization

August 3, 1983.

Take notice that on July 14, 1983, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP83-419-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Southern proposes to construct and operate certain facilities under the authorization issued to Southern in Docket No. CP82-406-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Southern proposes to construct and operate a measurement and receiving station on Exxon Corporation's (Exxon) production platform in Mustang Island Area Block A-90, offshore Texas (MI A-90) and approximately 9.3 miles of 12-inch pipeline extending from the production platform in MI A-90 to an interconnection with an existing 24-inch pipeline in MI 768 jointly-owned by Southern, Transcontinental Gas Pipe Line Corporation, Florida Gas Transmission Company, Natural Gas Pipeline Company of America, and Northern Natural Gas Company, division of InterNorth, Inc. It is stated that such facilities would be used to attach reserves in MI A-90 to be purchased by Southern from Exxon pursuant to a gas purchase agreement dated July 1, 1983. It is further stated that the facilities would be designed with a maximum daily capacity of 48,000 Mcf.

It is estimated that the proposed facilities would cost $7,252,920.

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. 83-21600 Filed 8-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-47-004]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Revised Rate Filing

August 3, 1983.

Take notice that on July 29, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing certain revised tariff sheets to its FERC Gas Tariff, in lieu of the tariff sheets originally filed in Docket No. RP83-47, as follows:

Original Volume No. 1

Substitute Ninth Revised Sheet Nos. 20 and 22
Tenth Revised Sheet No. 21
Substitute Third Revised Sheet No. 75
Substitute Third Revised Sheet No. 79
Substitute Third Revised Sheet No. 83

Sixth Revised Volume No. 2

Original Sheet Nos. 2AA and 2BB
First Revised Sheet Nos. 271E, 298A, 299U5, 299BBB4, and 299BBB5
Substitute First Revised Sheet Nos. 299YY4 and 299ZZ5
Second Revised Sheet Nos. 7, 284L, 299QQ4, 299QQ5, and 299AAA7
Substitute Second Revised Sheet Nos. 299C6, 299C7, 299D6, 299D7, 299E8, 299E9, 299F7, 299G6, 299G7, 299H6, 299PP6, and 299XX4
Substitute Third Revised Sheet Nos. 299S10, 299RR5, 299VV4, 299WW5, and 299WW6
Fourth Revised Sheet Nos. 265B, 265C, 286E, 299S9, and 299MM5
Substitute Fourth Revised Sheet Nos. 267L, 277B, 297D, 299L10, 299V6, 299W5, 299X6, 299Y6, 299EE6, 299FF5, 299GG7, 299NN4, 299OO5, 299SS6, 299TT5, 299UU4, and 322D
Fifth Revised Sheet Nos. 252B, 264H, and 297E
Substitute Fifth Revised Sheet Nos. 266H, 267K, 268C, 287E, 288D, 289E, 290E, 291E, 292E, 299L9, 299M6, 299N5, 299Q5, and 299R5
Substitute Seventh Revised Sheet No. 248D
Substitute Eighth Revised Sheet No. 141A
Substitute Tenth Revised Sheet No. 245D
Substitute Eleventh Revised Sheet Nos. 76 and 215
Substitute Twelfth Revised Sheet Nos. 53, 54, and 77
Substitute Thirteenth Revised Sheet No. 141

Tennessee states that the purpose of the revised tariff sheets is to revise the rates filed in this proceeding on February 1, 1983, in accordance with the Commission's order dated February 28, 1983, to reflect (1) the elimination of all facilities and related costs which will not have been certificated and placed in service by July 31, 1983; (2) revisions related to advance payments claimed in rate base; and (3) the Current Average Cost of Purchased Gas and certain other rate adjustments reflected in Tennessee's filings made effective on May 1, 1983, in Docket No. TA83-2-9 and on July 1, 1983, in Docket No. TA83-2-9-001. Tennessee claims that rates derived in accord with the Commission's February 28, 1983, order would produce an annual increase in jurisdictional revenues of $66,715,403 based on test period sales.

However, Tennessee states that in line with its recent efforts to enhance the marketability of its supplies, it is foregoing that revenue increase for the time being. Therefore, Tennessee states that the rates reflected on the revised tariff sheets are designed to produce revenues $100 million below the revenue level which the rate originally filed in this proceeding were designed to produce.[1]

Tennessee also states that First Revised Sheet Nos. 2AA and 2BB contain a summary of the rates and charges applicable to the transportation rate schedules comprising Sixth Revised Volume No. 2.

Tennessee further states that copies of the revised filing were served on all customers and affected state commissions as well as all parties to Docket No. RP83-47.

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 17,

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[1] Tennessee also filed Alternate Substitute Ninth Revised Sheet Nos. 20 and 22, Alternate Tenth Revised Sheet No. 21, Alternate Substitute Third Revised Sheet No. 75, to Original Volume No. 1 and Alternate Original Sheet Nos. 2AA and 2BB to Sixth Revised Volume No. 2. Tennessee states that the rates on these tariff sheets reflect the revenue increase which would result from the Commission's February 28, 1983 order. Tennessee states that it reserves the right to move these tariff sheets into effect at a later date.

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. 83-21609 Filed 8-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-408-000]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Application

August 3, 1983.

Take notice that on July 11, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP83-408-000 an application pursuant to Section 7(c) of the Natural Gas Act and Subpart F of Part 284 of the Commission's Regulations for a limited term certificate of public convenience and necessity authorizing the transportation of natural gas for Long Island Lighting Company (LILCO), 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 for LILCO during the period beginning with the date initial deliveries commence and ending on the 60th consecutive day thereafter, up to 25,000 Mcf of natural gas per day. Applicant estimates that it would transport up to 1,500,000 Mcf for LILCO during the said 60-day period.

Applicant states that the gas to be transported would be purchased by LILCO from New York State Electric & Gas Corporation (NYSEG) and would be made available to Applicant by NYSEG, for the account of LILCO, at Applicant's existing Lockport sales meter station delivery point to NYSEG Docket No. CP83-408-000 located in Niagara County, New York. It is stated that Applicant would receive said gas at that point and deliver equivalent volumes to LILCO at Applicant's existing White Plains sales meter station delivery point to LILCO in Westchester County, New York.

Applicant indicates that the transportation rate applicable to the proposed service is currently 21.32 cents per Mcf pursuant to Applicant's Rate Schedule IT.

Applicant submits that the volumes of natural gas proposed to be transported and delivered by Applicant would be used by LILCO solely to displace fuel it would otherwise use in its electric generating stations. Applicant further submits that the gas would be transported only to the extent its operating conditions and available capacity permit through the utilization of existing facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the 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. 83-21610 Filed 8-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-117-000]

Transcontinental Gas Pipe Line Corp.; Implementation of Tariff Provision

August 3, 1983.

Take notice that on July 29, 1983, Transcontinental Gas Pipe Line Corporation (Transco) filed a notice that on September 1, 1983 it will commence retaining fuel for offshore compression in connection with a transportation service rendered for Public Service Electric and Gas Company (Public Service) through Transco's Southeast Louisiana Gathering System. Transco states that the background of this matter is as follows:

By certificate issued on September 28, 1977 in Docket No. CP77-453, Transco was authorized to construct and operate a major extension of its Southeast Louisiana Gathering System from Block 66, South Marsh Island Area (SMI) into Blocks 130 and 132, SMI, South Addition, and into Block 331, Vermilion Area, South Addition, offshore Louisiana. These facilities, referred to herein as the "SMI Extension", were constructed in order to attach substantial new gas supplies which Transco had contracted to purchase in these areas, as well as to provide transportation services for certain other pipelines and Public Service, which had purchased gas there. Such facilities were completed and placed in service on March 22, 1979.

By amended certificate issued on July 30, 1981 in such docket, Transco was authorized to construct and operate certain compression and appurtenant facilities, including a platform for such facilities, located on the Southeast Louisiana Gathering System in SMI Block 66. Such facilities consist of one 3,480 horsepower Solar Centaur gas turbine compressor unit and one 1,080 horsepower Solar Saturn gas turbine compressor unit. Such facilities were completed and placed in service on February 11, 1982.

It is stated that Transco entered into a transportation agreement (Transco Rate Schedule X-222) with Public Service to transport its gas through the SMI Extension and downstream thereof.

It is stated that the following is Paragraph 5, Article IV of such transportation agreement:

> To provide for compressor fuel and line loss makeup, Transco reserves the right to retain a portion of the quantities caused to be delivered by Public Service for Production Area transportation, based upon a determination by Transco that such quantities are warranted by operating conditions, and Transco shall furnish Public Service with an explanation of the basis for the retention. Transco reserves the right to change such percentage from time to time based upon a determination by Transco that such percentage change is warranted by operating conditions.

Transco states that when Transco commenced transportation of gas for Public Service through the SMI Extension, no offshore compression was

performed by Trasnco in connection with such transportation. It is stated that now that offshore compression has been installed at SMI Block 66 it is appropriate for Transco to retain fuel in connection therewith pursuant to the above-quoted provision. It is stated that Transco initially shall retain .6% of the quantities it receives at the Vermilion 311 and 313 Points of Receipt to provide for offshore compressor fuel pursuant to Rate Schedule X-222.

As stated, such fuel retention shall commence on September 1, 1983.

Transco states that a copy of the instant notice has been served upon Public Service.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with Sections 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 17, 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. 83-21611 Filed 8-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-414-000]

United Gas Pipe Line Co., Application

August 3, 1983.

Take notice that on July 13, 1983, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP83-414-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in order to effect a direct sale of up to 5,000 Mcf of gas per day on an interruptible basis to Georgia-Pacific Corportion (Georgia-Pacific), an existing on-system direct customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that this sale would be performed only when United's supplies of natural gas exceed the current demands of its customer for certificated firm service, taking into account storage volumes and the requirements for storage injection. It is indicated that the gas would be used at Georgia-Pacific's plant located near Port Hudson, Louisiana.

The application shows that the rate for the subject sale would be the sum of 61.04 cents per Mcf plus the weighted average cost of gas per Mcf on United's system for the billing month. Additionally, it is indicated that Georgia-Pacific would pay any incremental pricing surcharge which may be applicable to the sale.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the 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 United to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21612 Filed 8-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-415-000]

United Gas Pipe Line Co.; Application

August 3, 1983.

Take notice that on July 13, 1983,United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP83-415-000 an application pursuant to Section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the transportation of natural gas in order to effect a direct sale of up to 1,500 Mcf of gas per day on an interruptible basis to Thiokol Corporation (Thiokol), an existing on-system direct customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that this sale would be performed only when United's supplies of natural gas exceed the current demands of its customers for certificated firm service, taking into account storage volumes and the requirements for storage injection. It is indicated that the gas would be used by Thiokol at its plant located in Moss Point, Mississippi.

The application shows that the rate for the subject sale would be the sum of $0.50 per Mcf and the weighted average cost of gas per Mcf on United's system for the billing month.

On January 1, 1984, the price shall change to the sum of $0.60 per Mcf and the weighted average cost of gas per Mcf on United's system for the billing month. Additionally it is indicated that Thiokol would pay any incremental pricing surcharges which might be applicable.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act

and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the 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 United to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21613 Filed 8-8-83; 8:45 am]

BILLING CODE 6717-01-M

FEDERAL COMMUNICATIONS COMMISSION

Technical Subgroup of Radio Advisory Committee Resumes Meeting September 15, 1983

The Technical Subgroup of the Advisory Committee on Radio Broadcasting resumes its continuing meeting Thursday, September 15, 1983, at 10 a.m. in the Vincent Wasilewski Room of the National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

The Subgroup will continue its consideration of recommendations to the Federal Communications Commission concerning matters pertinent to the ongoing U.S.-Canadian discussions on the drafting of a new bilateral AM agreement which, it is expected, will replace the North American Regional Broadcasting Agreement (NARBA).

The Subgroup will also discuss similar bilateral discussions which have started with Mexico, looking toward post-Rio revision of the U.S.-Mexican AM Agreement.

The meeting, a continuing one, will be resumed after the September 15, 1983, session at such time and place as is decided at that session. It is open for participation by all interested persons.

For further information, please call the Subgroup Chairman, Mr. Wallace E. Johnson, at (703) 841-0500.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-21614 Filed 8-8-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group, Income and Other Accounts Subcommittee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group's (TIAG) Income and Other Accounts Subcommittee scheduled for Wednesday and Thursday, August 31 and September 1, 1983. The meeting will begin on August 31 at 8:30 a.m. in the offices of GTE Service Corporation, 4500 Fuller Drive, Irving, Texas, and will be open to the public. The agenda is as follows:

I. General Administrative Matters
II. Discussion of Assignments
III. Other Business
IV. Presentation of Oral Statements
V. Adjournment

With prior approval of Subcommittee Chairman Glenn. L. Griffin, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Griffin (214/659-3484) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-21615 Filed 8-8-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group, Plant Accounts Subcommittee Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group's (TIAG) Plant Accounts Subcommittee scheduled to meet on Wednesday and Thursday, August 24 and 25, 1983. The meeting will begin on August 24 at 10:00 a.m. in the offices of MCI Telecommunications Corporation (1st Floor Meeting Room), 1133 19th Street, N.W., Washington, D.C. and will be open to the public. The agenda is as follows:

I. General Administrative Matters
II. Discussion of Plant Accounts Assignments
III. Other Business
IV. Presentation of Oral Statements
V. Adjournment

With prior approval of Subcommittee Chairman Gyles Norwood, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of objectives. Anyone not a member of the subcommittee and wishing to make an oral presentation should contact Mr. Norwood (202/887-3266) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-21616 Filed 8-8-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 82-540]

INTELSAT Global Communications Satellite System; Ownership and Operation Policy

Memorandum Opinion and Order

In the Matter of Modification of policy on ownership and operation of U.S. earth stations that operate with the INTELSAT global communications satellite system CC Docket No. 82-540, (8-19-82; 47 FR 36235).

Adopted: August 1, 1983.

Released: August 2, 1983.

By the Chief, Common Carrier Bureau.

1. Before us is a motion by the Communications Satellite Corporation (COMSAT) for leave to file in CC Docket No. 82-540 a proposal for restructuring earth station ownership and operating arrangements. Also before the Bureau are oppositions by the American Telephone and Telegraph Company (AT&T) and by All America Cables and Radio, Inc. (AAC&R) and ITT World Communications, Inc. (ITT Worldcom) filing jointly. M/A-COM, Inc. (M/A-COM) and Comsat filed reply comments.[1]

2. A Notice of Inquiry was previously released in this docket on August 17, 1982. Comment and reply comment periods have expired. Therefore, Comsat requests authorization pursuant to § 1.415(d) of the Commission's Rules for leave to file its proposal. Comsat also requests that its proposal be placed on public notice so that interested persons may comment on it. As grounds for its request, Comsat explains that although it continues to believe that the present institutional arrangements for earth station ownership offer significant public interest benefits, this view is not

[1] Western Union International, Inc. (WUI) filed a "procedural response" to the motion. WUI stated that it had no objection to the reopening of the record for the simultaneous receipt of Comsat's proposal and the substantive comments of other parties to this docket.

generally shared by other parties that filed comments. Therefore, Comsat states that it has now developed a new approach that preserves the major benefits of the present arrangements and, at the same time, may be expected to elicit greater acceptance by other interested parties.

3. In support of its opposition, AT&T argues that a grant of Comsat's motion could lead to protracted delay in resolving the issues in this proceeding. AT&T states that without definitive procedures and time frames for consideration of Comsat's proposal, this docket could be prolonged in a way that would disserve the public interest. AT&T believes that a more efficient use of the time and resources of the Commission and the parties would be made by moving directly to a Notice of Proposed Rulemaking (NPRM) and considering Comsat's proposal after this Notice is released. AT&T sees no benefit in eliciting comment on Comsat's proposal prior to a rulemaking phase.

4. AAC&R and ITT Worldcom, in support of their opposition, also argue that allowing Comsat to file its proposal would engender unnecessary delay because of the further round of comments suggested by Comsat. They also contend that the proposal is inappropriate for consideration as possible policy, because it: (a) Contains no new facts and no new policy initiatives that could not be instituted voluntarily by Comsat without a policy mandate from the FCC; (b) requests a three year moratorium against competition that is unreasonable on its face; and (c) seeks to inject issues which have been fully briefed elsewhere and which are outside of the scope of this docket.

5. AAC&R and ITT Worldcom maintain that if the Commission does consider Comsat's proposal it should invoke the following procedures to minimize unwarranted delay. First, the Commission should call for one set of comments due in 2 to 3 weeks with no reply round. Second, the comments should be limited to issues within the scope of these proceedings. Finally, following opening comments, the Commission should promptly issue a declaration that applications for independent earth stations will be entertained under the public interest standard.

6. Comsat, in its reply, disputes the contention that consideration of its proposal at this time will cause excessive delay. Comsat suggests a schedule that it believes is both reasonable and will result in consideration of all of the issues on an orderly basis. Comsat maintains that the Commission should consider questions relating to the appropriate operating environment and adjustment of existing institutional arrangements before it considers implementation of a policy relating to independent ownership of earth stations by carriers.

7. M/A-COM, in its reply, supports the position by AT&T, AAC&R and ITT Worldcom that this proceeding should not be delayed while parties are forced to address Comsat's proposal. Accordingly, N/A-COM requests that the Commission proceed immediately to rulemaking and allow comment on Comsat's proposal only in the context of that phase of the proceeding.

8. We observe that the parties in their comments have not restricted their arguments to the procedural aspects of Comsat's motion but have, instead, elaborated on the substantive policy implications of the proposal. We do not, however, find it necessary to consider the merits of Comsat's proposal to decide the motion. Nor do we find it necessary to set out a timetable for further proceedings in this docket (although we recognize the need to proceed expeditiously). Instead, we have decided to treat this "proposal" as additional comments for the record and to place these comments on public notice for the following reasons. First, Comsat is the largest participant in ESOC with a 50 percent ownership share and would, therefore, be most affected financially by any policy changes with respect to these stations. Second, Comsat currently serves as overall manager for the entire U.S. earth station network and would also be most affected operationally by certain of the policy changes that have been proposed. Finally, we believe a public discussion of the issues raised in Comsat's proposal would be valuable and would generate a more complete record in the inquiry phase on various aspects of existing and proposed ownership arrangements. The improvement to the record should put us in a better position to propose new rules if any are appropriate.

9. However, we believe the record of this proceeding would be further improved if Comsat would clarify certain aspects of its proposal before comments from other parties are due. For this reason, we ask that Comsat clearly state the relationship of this proposal to the comments and reply comments it has previously filed in this docket. We ask that Comsat explain which aspects of these filings are complementary and which are mutually exclusive. We also ask that Comsat explain the present relevance, if any, of the distinctions Comsat has made in its original comments with respect to certain classes of special-purpose stations. In addition, we request that Comsat provide a more detailed breakdown of the total present and proposed ESOC investment shown on page 6 of its Attachment 1, including a description of and the relative dollar amounts of land, antennas, primary power equipment, control buildings, RF equipment, GCE, and other earth stations facilities at each site. This breakdown should indicate which of the above items are in service, under construction, or in planning at this time and the initiation and completion dates for items not yet in service.

10. We shall give Comsat until August 9, 1983 to clarify its proposal. Other interested persons have until August 19, 1983 to comment on the Comsat proposal. Reply comments are due by August 29, 1983.

11. Accordingly, it is ordered, pursuant to authority delegated in Section 0.291 of the Commission's Rules and Regulations, 47 CFR 0.291, that Comsat's motion for leave to file additional comments is granted.

12. It is further ordered that a copy of this order be published in the **Federal Register.**

Jack D. Smith,

Chief, Common Carrier Bureau.

[FR Doc. 83-21621 Filed 8-5-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 83-788; FCC 83-357]

Local Telephone Service, Michigan; Effects of Federal Decisions

Inquiry

In the Matter of Petition of the State of Michigan Concerning the Effects of Certain Federal Decisions on Local Telephone Service; CC Docket No. 83-788; FCC 83-357.

Adopted: July 27, 1983.

Released: August 1, 1983.

By the Commission.

1. On February 24, 1983, the State of Michigan and Michigan Public Service Commission (MPSC) filed a petition for "Institution of an Inquiry and/or Rulemaking Proceeding to Protect Universal Telecommunications Service." The MPSC petition asked the Commission to review the aggregate impact of several recent Commission decisions and the impending AT&T divestitute upon local telephone exchange service and rates. More than 35 parties filed comments on the MPSC petition.

A. Background

2. The MPSC requests that the FCC hold an inquiry under Section 1 of the

Communications Act of 1934 to investigate the impact of the AT&T divestiture and certain FCC decisions "on local service and rates and to consider appropriate remedies." MPSC Petition, p. 2. Four FCC decisions were mentioned in the petition. The first was our decision to preempt state [1] control over depreciation for intrastate ratemaking (CC Docket No. 79–105). Also mentioned were the imposition of the interstate access charge (CC Docket No. 78–72); expensing station connections and amortization of previously capitalized investment (CC Docket No. 79–105); and finally, the decision to reduce to zero the interstate revenue requirement associated with embedded CPE (CC Docket No. 80–286).[2]

3. The MPSC calls for a "broad-based and thorough review." It proposes that the FCC "request data from the Bell Operating Companies and others on the impact" of the various decisions. Further, we "should also conduct hearings at which interested parties may present information or argument on the issues." MPS Petition, p. 7.

4. The majority of the commenting parties, representing 20 state commissions, among others, support the MPSC petition.[3] Five telephone companies and the International Communications Association, while expressing similar concerns, oppose the petition in varying degrees. The major lines of argument focus on whether the FCC has in fact examined the impact of its decisions in the individual cases and whether that is sufficient to meet the MPSC's desires. The parties arguing against the petition point out that the Commission in fact has considered the impact of its decisions and any further investigation would be redundant. See for example, the comments of Centel and specifically Continental Telephone (p. 4, *et seq.*). Further, these parties argue that it would be wrong for the FCC to delay the implementation of its pro-competitive decisions. These decisions already have consumer protection mechanisms built into them (e.g., transition periods). Finally, because most of the decisions have not gone into effect, there are no market effects which can now be measured. Even if there are, the measurement of any short-term dislocations may overshadow the larger, long-term favorable effects. See Centel's comments, for example.

5. The parties supporting the MPSC petition argue that, while the FCC may have assessed the impact of individual decisions, it never has considered the cumulative impact of them. It is the aggregate change that will cause individuals to decide whether to retain service. Many of the parties cite large pending rate increases (*e.g.*, Arkansas and Idaho) add urge quick action by the FCC. They argue that the FCC should anticipate or project service disconnects (Maine) and take actions to ameliorate any adverse consequences. Because quick action is needed, most of the parties supporting the MPSC do not feel the access monitoring program mentioned by the Commission in the *Third Report and Order* in CC Docket No. 78–72 is adequate, primarily because it will only collect information after the fact rather than attempt to predict adverse effects.

6. The comments frequently mention "relief" from projected ill effects of federal decisions, but none of the comments specify just what relief is or will be sought. Many suggestions are made for the procedures in this matter, including public regional hearings (Wisconsin) and funding public participation (Telecommunications Research and Action Center). Several parties have suggested that we should measure the effects of decisions other than those mentioned by the MPSC. For example, California specifically mentions the FCC decisions concerning remaining life and equal life group depreciation besides the broader preemption issue noted by Michigan. Maine points to the FCC decisions concerning party-line CPE as having particular effect in that State.

B. Discussion

7. The telephone industry is in the midst of a momentous transition from monopoly to a more dynamic, competitive environment. The Michigan Public Service Commission has articulated concerns shared by other state public utility Commissions about the impact of recent developments upon the continued broad availability of telephone service. Michigan is concerned that change is occurring too rapidly and local rates will rise to a level that will force many subscribers to disconnect from the telephone system. Similar concerns have been expressed recently in the press and in Congress. See, for example, H.R. Res. 231, 98th Congress, 1st Session (1983).[4]

8. We are aware that our actions may have effects upon local subscribers and we have considered the potential effects of our actions in each of the decisions addressed by the instant pleadings. Where necessary, we have fashioned transition mechanisms to ensure that our policies would not have the kind of abrupt impact feared by Michigan. For example, in access charges, we are using a six year transition. In Computer II, the portion of CPE allocated to the interstate jurisdiction is being phased out of the rate base over five years. In the depreciation area, equal life group depreciation is being phased in over three years while remaining life adjustments are subject to special examination by our staff. In the matter of the AT&T divestiture, we are pursuing information on the effects of that action on customer rates.[5]

9. While the actions taken to date have all been gauged to provide public benefits without any undue adverse impact upon service to the public, we have also taken the precaution to monitor their effects so that if any unanticipated events do occur they can be remedied swiftly. In the *Notice of Proposed Rulemaking* in Phase IV of CC Docket No. 78–72, *MTS and WATS Market Structure*, we proposed detailed procedures to monitor implementation of our new plan for access charges as well as other changes in local rates. The monitoring plan is an expansive effort to capture the effects of many of our decisions on the availability of local service as well as a method of analyzing the effects of rate increases in general on local service. Because of the timing of our actions in Docket 78–72 and the MPSC petition, the parties did not have the benefit of seeing our access monitoring proposal before commenting on the MPSC petition. That plan addresses numerous concerns raised by the parties in this matter. We believe that the access monitoring plan is the sort of review which is contemplated by many of the parties responding to the MPSC petition.

10. The access monitoring plan will review the effects on the availability of local service of depreciation rate

[1] Amendment of Part 31 (CC Docket No. 79–105), 48 FR 2324 (1983).

[2] MTS and WATS Market Structure (CC Docket No. 78–72, Phase I, *Third Report and Order*), 48 FR 10319 (March 11, 1983); amendment of Part 31 (CC Docket No. 79–105), 85 FCC 2d 818 (1981); amendment of Part 67 (CC Docket No. 80–286), 89 FCC 2d 1, *recon. denied*, 91 FCC 2d 558 (1982).

[3] The New York State Public Service Commission has filed a "Petition" requesting an inquiry similar to that described by Michigan. New York also seeks expansion of the monitoring plan proposed in the FCC's *Third Report and Order* in CC Docket No. 78–72. Because the New York petition raises no new issues and was filed "in conjunction with" the MPSC petition (N.Y. Petition, p. 1), we will treat the New York filing just as other comments in this proceeding and not act on it separately.

[4] This resolution urges the Commission to institute an inquiry into the effects of regulatory and changes and judicial decisions on telephone service.

[5] See the letter of the Chief of the Common Carrier Bureau to Alfred A. Green, associate General Counsel of AT&T, July 8, 1983, p. 2.

changes, the expensing of inside wiring, amortization of embedded CPE, access charges and other changes. We contemplate that data concerning the effects of these changes and details of rate applications will be collected from a representative sample of telephone companies. Other information concerning rates and service availability will probably be collected from all telephone companies. We also propose to rely on data supplied by the United States Census Bureau. Further, parties may submit data concerning other factors, including AT&T's divestiture of the Bell Operating Companies. The first report under the monitoring plan is expected in summer of 1984.

11. The monitoring plan, however, would not satsify the needs expressed for a comprehensive analysis to be completed by the end of the year. We recognize that the changes now being overseen by the Commission and the courts are unsettling to many, and that gathering more evidence on the expected impact of those changes may be necessary to reassure the public. Therefore, we will institute a comprehensive analysis of the expected impact of our decisions and divestiture and require a report by December 1, 1983.

12. The core of the issues raised in the comments is the credibility of the estimates of future rate increases. These have understandably frightened consumers and worried those in the industry. Many of the claims are unsubstantiated. Others appear to be based in fact, but their methods and the accuracy of the results have not been tested. The basic question in this matter, though, is what can the FCC realistically do to gauge the reliability of such claims. Companies have filed rate increases in various state proceedings and many have projected future rate increases outside of formal proceedings. The FCC's ability to judge the validity of local rate increases is limited. We cannot try state rate cases at the federal level, nor should we. Any claims brought forward in state or federal rate proceedings must be documented. Here assertions are insufficient, and specific causes of the increases must be identified and proven. No regulatory commission would accept a company's unsubstantiated claims as the basis for a rate increase.[6] Many factors contribute to rate changes. Inflation, interest rates and demand changes need to be addressed in documenting rate requests. Many of the parties would have us perform our analyses in a vacuum, accounting for only those changes related to federal action and not those other factors. The FCC does not have the needed resources to examine rate case submissions in the detail needed to substantiate those requests and then attribute the remaining valid rate change estimates to various causes.

13. The possibility that companies may take advantage of the changes in the industry for their own aggrandizement cannot be overlooked. State regulators have diligently protected the public interest in the past by balancing the legitimate financial needs of the regulated companies against sometimes overstated demands. It is unlikely that the changes in the industry which concern us here will affect whatever strategies have been exhibited in the past. We are concerned that some companies may overstate the effects of certain changes to offset changes in other areas.

14. To complete our analysis in the time allotted, we will need the active cooperation of the states in analyzing the impact of recent federal decisions. We are seeking their help in structuring the access monitoring plan and we will appreciate any analysis and insights into pending or actual rate changes. At this time, most of the predictions which have been brought forward concerning the effects of local rate increases are largely unsubstantiated and speculative. Their main value is to aid us in identifying areas for study. The correct approach to monitoring is to have a thorough analysis of the potential effects, identify those who will be affected, identify changes which will cause the appropriate authorities to act, collect and analyze data reflecting events which actually have effects (e.g., rate changes granted versus rate requests) and act quickly and definitively to correct any problems identified in the analysis.

15. The first critical step in the process of analyzing the effects of our decisions on local service was taken in the proposed access monitoring plan. However, we hope that the information available to the states which has been brought to our attention here can be submitted in greater detail so that a prompt preliminary analysis can be made. To this end, we will accept filings as outlined below, analyze the information to the extent possible and issue a report based on that survey. If any further agency action is indicated, we will be in a position to take it. The report will also serve as an aid in carrying out the monitoring plan more efficiently and in a timely manner. Further, these data will provide us with certain historical information which would not be included in the access monitoring system; e.g., subscriber drop-offs as a result of past rate increases. Therefore, we are accepting several suggestions made in the MPSC petition and the comments. First, we will review all information submitted here and use it as we have described to develop a report before divestiture and access charges are implemented. Second, we intend to make the access monitoring plan a broad-based review of the effects of rate increases on the availability of local service as suggested here by several parties and we will make it as expansive as necessary to answer concerns raised here. Therefore, we will also use the information submitted to aid in the development of that program. Although the data supporting state rate increase requests may be of questionable value when viewed with our limited perspective, we recognize that this information can be an important indicator of areas to focus our attention. Nevertheless, this data should be subject to broad public scrutiny. To this end, we will enter data concerning pending rate requests on the record of the inquiry in the access monitoring plan as well as include them in the report by the Commission staff. Because the depreciation changes are already in effect, we will request information on the rate and service effects to date of these changes in depreciation practices ordered by this Commission. Third, while mandatory submissions by carriers are an issue in the access monitoring plan (and any reporting requirements will be promulgated there), we promise special attention there to collecting data concerning recent depreciation changes from the carriers. We will collect such data from telephone companies to serve as part of our baseline information collection in the access monitoring plan. Finally, we will consider any relevant information gathered here in our Section 214 proceeding regarding the AT&T divestiture, and information gathered in that proceeding may be used in the report which we plan to issue.

16. We cannot promise definitive analysis of support data concerning pending state rate increases. We will review, however, the information which will be submitted on the potential effects of our decisions and compare it to our own expectations as to the impact

[6] As an illustration, the Annual Report of the National Association of Regulatory Commissioners released in 1982 lists "Bell System Intrastate Rate Increases, January 1, 1970 to Present" (December 31, 1981). Of the 310 rate requests and adjustments listed as acted upon, all but 23 resulted in increases less than requested. Frequently the grant was only a small portion of the request.

of our decisions. We will also review the potential effects of the projected rate increases (if they would occur) on the availability of local service. We will allow public comment regarding this information for a period of thirty days after public notice of its receipt in order to assist us in preparing our report. The staff will be directed to provide a report to us in the most expeditious manner possible, but no later than December 1, 1983.[7] We will provide the report to the Joint Board at the same time.

17. We understand that the National Telecommunications and Information Administration (NTIA) has compiled a great amount of information on potential rate changes. Accordingly, we hope that they will participate actively in this proceeding. In addition, the state regulatory commissions will possess up-to-date information. Because of their particular expertise and the scope of their knowledge and authority over both large and small telephone operations in their jurisdictions, we need their involvement. Our wish is that each state provide a report stating its views and present its analysis of the potential rate effects of various decisions. To this end, we would like each participating state to identify and discuss the potential effects in its jurisdiction of each of the federal decisions discussed by Michigan. We understand, as do the states that many factors can affect rates.[8] The states may discuss other ratemaking factors and provide whatever additional information and analysis they believe is appropriate. However, we would like certain information which would allow us to develop a better understanding of the current situation and allow national and state by state comparisons. To this end, we ask that interested state commissions immediately provide us with a report [9] including at least the following data:

1. A list of the amounts requested in all pending telephone rate cases by company, the portion of each which is allocated to (or proposed to be raised from) basic residential exchange service, the current average residential rate and the proposed new average residential rate, the number of subscribers affected by each company's proposed basic residential service rate change, and a brief summary of the reasons for the increases and the proportion of each increase attributable to each reason. The FCC decisions cited by the MPSC should be given particular attention in the responses. Information on new development in rate structure (e.g., measured services) which provide alternatives to flat rate unlimited service also would aid our analysis.

2. The dollar amounts of all rate increases filed in the past two years, the total amounts granted, and the portion recovered from basic residential local exchange service.

3. Any documented evidence of actual subscriber drop-offs due to past rate increase,[10] and particularly those due to the change in depreciation rates.

4. Copies of all estimates and studies of potential subscriber disconnects or demand elasticities, including supporting data sufficient to explain the estimates and the bases for the estimates. The names of the authors of the study should and the sponsor should be identified (i.e., consultant, carrier).

5. The number and percentage rate of net disconnects, if any, which the states estimate would occur due to expected rate increases in each of the next three years. If possible these should be broken down by urban and rural. A statement clearly explaining regarding assumptions and method of analysis for the estimates of disconnects and rate changes should also be provided including the amounts and cause of the projected rate increases.

19. In addition to the specific information listed above which will be provided by the states, we invite all commenting parties to address the question of the type of relief which the parties anticipate might be appropriate if a reduction in service availability proves likely.

20. Our search for answers to the questions raised concerning the availability of local service will not stop with this inquiry nor the access monitoring plan *Notice*. We contemplate that refinements to the plan, the development of reports and critiques of those reports in the access monitoring plan will entail a number of "rounds" of comments beyond that requested in the outstanding *Notice*. What we wish to accomplish here is to compile and analyze the information and claims on potential rate increases, allow public examination of those claims, draw whatever inferences are possible and also use them as indicators for focusing the monitoring plan where further research is deemed necessary. If any immediate corrective action appears warranted, we would expect to be able to act in conjunction with issuance of the staff report. The more specific and detailed the submissions, the better we can perform our analysis. This proceeding also will also give us a better grasp and a context for the "baseline" information used in the access monitoring plan. Once we have compiled our report detailing this set of claims, arguments and rate increase requests which the states will provide, the public will have a better comprehension of the validity of such claims. In the meantime we will have before us a set of gross indications, however imperfect, which can help evaluate the near-term effects of federal decisions and refine the monitoring plan by identifying areas where harm may occur in the future.

C. Summary

21. The need for analysis of the effects of federal decisions is a broad based access monitoring plan has been demonstrated in the comments on the MPSC petition. Further, the Commission recognizes that certain important information can be used to supplement the monitoring plan as proposed.

22. Accordingly, it is hereby ordered, that pursuant to Sections 1, 4(i), 4(j) and 403 of the Communications Act of 1934, as amended, the states may file information as outlined above by September 2, 1983, and that comments may be filed on the information and issues discussed therein no later than September 26, 1983.

23. It is further ordered, that the petition of the State of Michigan and the Michigan Public Service Commission is granted to the extent noted above and is otherwise denied.

24. It is further ordered, that the Secretary shall cause this Notice to be published in the Federal Register and shall send copies of this Notice to the Regulatory Commissions of the various states, districts, territories and possessions which will be affected by this Notice.

[7] We fully expect that our staff will be capable of meeting this deadline, given its experience in other monitoring efforts such as docket 20003 and the work with the Experimental Technology Incentives Program.

[8] For example, rates can be affected by local economic conditions, population changes, population density, inter-service cross subsidies, past and present depreciation policies, construction programs, cost of capital and many other factors. How the local regulatory authority views these factors and the relative weights accorded to each will clearly affect overall rate levels and the recovery of costs from specific groups of ratepayers.

[9] If a state cannot provide a narrative report, we encourage them still to provide the data with a short explanation of the sources of the data or in the absence of specific requested data, a discussion of why it is not available.

[10] We recognize the difficulty in attributing the causes of subscriber disconnects. See the *Notice of Proposed Rulemaking* in *MTS and WATS Market Structure, Phase IV*, CC Docket No. 78-72 (Access Monitoring Plan). Nevertheless, any party asserting that disconnects have occurred or soon will occur should document such claims.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-21622 Filed 8-8-83; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1417]

Petitions for Reconsideration of Actions in Rule Making Proceedings

August 2, 1983.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to C.F.R. § 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Part 90 of the Commission's Rules to Prescribe Policies and Regulations to Govern the Interconnection of Private Land Mobile Radio systems with the Public Switched Telephone Network in the Bands 806–821 and 851–866 MHz. (Docket No. 20846)

Filed by: George Petrutsas, Attorney for Communications Sales and Service, Inc., South Texas Radio Service, Inc., Auto Page, Inc. & Louis Systems, Inc., on 6-24-83.

Subject: Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments. (BC Docket No. 80-90, RM's 2587, 3226 & 3367)

Filed by:

Lauren A. Colby, Attorney for Barry Chaiken on 6-16-83.

Thomas Schattenfield, David Tillotson & Susan A. Marshall, Attorneys for National Radio Broadcasters Association on 7-27-83.

James A. McKenna, Jr., Steven A. Lerman & Dennis P. Corbett, Attorneys for Infinity Broadcasting Corporation (and subsidiaries), Lake Huron Broadcasting Corporation (and subsidiaries), Park Broadcasting, Inc. (and subsidiaries), Shamrock Broadcasting Company, Inc. (and subsidiaries), Summit Radio Corporation, Tri-Cities Broadcasting Company, WAHR, Inc. & WKRG-TV, Inc., on 7-28-83.

Erwin G. Krasnow & Barry D. Umansky, Attorneys for National Association of Broadcasters on 7-28-83.

Subject: Petitions Seeking Amendment of Part 68 of the Commission's Rules Concerning Connection of Telephone Equipment, Systems and Protective Apparatus to the Telephone Network and Notice of Inquiry into Standards for Inclusion of One and Two-Line Business and Residential Premises Wiring and Party Line Service in Part 68 of the Commission's Rules. (CC Docket No. 81-216, RM's 2845, 2930, 3195, 3206, 3227, 3283, 3316, 3329, 3348, 3501, 3526, 3530 & 4054)

Filed by:

James D. Ellis, James S. Golden & J. Michael Love, Attorneys for The Bell Operating Companies on 7-25-83.

Edward T. Shaw & Alan J. Gardner, Attorneys for Pacific Northwest Bell Telephone Company on 7-25-83. (This pleading was filed as a petition to delay implementation of exclusive deregulation provision requirement until January 1, 1984, or waiver of separate subsidiary requirement limited to subject equipment until January 1, 1984, and comments on third notice of proposed rulemaking. For purposes of filing deadlines this petition will be treated as a petition for reconsideration.)

Subject: Amendment of Parts 2 and 73 of the Commission's Rules concerning use of Subsidiary Communications Authorizations. (BC Docket No. 82-536)

Filed by:

Thomas J. Dougherty, Jr., for the Firm of Fletcher, Heald & Hildreth on 7-22-83.

Thomas Schattenfield & Peter Tannenwald, Attorneys for National Radio Broadcasters Association on 7-22-83.

Erwin G. Krasnow & Barry D. Umansky, Attorneys for National Association of Broadcasters on 7-25-83.

Kenneth E. Hardman, Attorney for Telocator Network of America on 7-25-83.

Gregg P. Skall, Attorney for Reach, Inc., on 7-25-83.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-21623 Filed 8-8-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities Under OMB Review

The Federal Emergency Management (FEMA) has submitted to the Office of Management and Budget the following information collection packages for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Existing Information Collection in use without OMB Control Number.

Title: Emergency Operating Center Program Development Plan.

Abstract: This plan is used by Regions and States to promote EOC development, evaluate priorities of competing applications, and for long range budget planning by FEMA.

Type of respondents: State of Local Governments.

Number of respondents: 50.

Burden hours: 100.

Type: Existing Information Collection in use without OMB Control Number.

Title: Crisis Relocation Plans.

Abstract: By law, nuclear attack preparedness is a joint responsibility between Federal and State and local governments. The Federal Government provides guidance and financial assistance; State and Local develop nuclear attack evacuation plan. These plans are reviewed by FEMA Regions for content and are accepted as a "contract" deliverable.

Type of respondents: State of Local Governments.

Number of respondents: 400.

Burden hours: 10,000.

OMB Desk Officer: Ken Allen (202) 395-3786

Copies of the above information collection clearance packages can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley (202) 287-9906, Federal Plaza Center, 500 C. Street, SW., Washington, D.C. 20472.

Written comments and recommendations for the proposed information collection packages should be sent to Linda Shiley, FEMA Reports Clearance Oficer, Federal Plaza Center, 500 C. Street, SW., Washington, D.C. 20472 and to Ken Allen, Desk Officer, OMB, Reports Management Branch, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: August 2, 1983.

Walter A. Girstantas,

Assistant Associate Director, Administrative Support.

[FR Doc. 83-21624 Filed 8-8-83; 8:45 am]

BILLING CODE 6718-01-M

Agency Information Collection Activities Under OMB Review

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Existing Information Collection as prescribed by OMB Circular A-87.

Title: Cost Allocation Plan

Abstract: Cost allocation plan (indirect costs) provides the means of

identifying, accumulating and distributing allowable indirect costs related to a grant program.
Type of respondents: State or Local Governments
Number of respondents: 56
Burden hours: 56
OMB Desk Officer: Ken Allen (202) 395-3786

Copies of the above information collection clearance package can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley (202) 287-9906, Federal Plaza Center, 500 C. Street, SW., Washington, D.C. 20472.

Written comments and recommendations for the proposed information collection packages should be sent to Linda Shiley, FEMA Reports Clearance Officer, Federal Plaza Center, 500 C. Street, SW., Washington, D.C. 20472 and to Ken Allen, Desk Officer, OMB Reports Management Branch, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: August 2, 1983.

Walter A. Girstantas,

Asst. Assoc. Dir., Administrative Support.

[FR Doc. 83-21625 Filed 8-8-83; 8:45 am]

BILLING CODE 6718-01-M

Agency Information Collection Activities Under OMB Review

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection packages for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Information Collection in Existing Regulation 44 CFR 300.5, 300.6(h).
Title: Earthquake and Hurricane Preparedness
Abstract: Information is needed as part of state's grant request and to properly manage and monitor progress in development of earthquake or hurricane preparedness plan.
Type of respondents: State or Local Government
Number of Respondents: 17
Burden hours: 4,000

Type: Information Collection in Existing Regulation 44 CFR 300.5.
Title: Disaster Assistance Plan
Abstract: State disaster assistence plans, already developed, are expanded and updated with Disaster Preparedness Improvement Grant Funds and are needed and used as operational guidance through the preparedness, Response and Recovery phases of disaster operations.
Type of respondents: State or Local Governments
Number of respondents: 57
Burden hours: 57
OMB Desk Officer: Ken Allen (202) 395-3786

Copies of the above information collection clearance packages can be obtained by calling or writing the FEMA Clearance Officer, Linda W. Shiley (202) 287-9906, Federal Plaza Center, 500 C Street, SW., Washington, D.C. 20472.

Written comments and recommendations for the proposed information collection packages should be sent to Linda Shiley, FEMA Reports Clearance Officer, Federal Plaza Center, 500 C Street, SW., Washington, D.C. 20472 and to Ken Allen, Desk Officer, OMB Reports Management Branch, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: August 2, 1983.

Walter A. Girstantas,

Assistant Associate Director, Administrative Support.

[FR Doc. 83-21626 Filed 8-8-83; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-688-DR]

Arkansas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Arkansas (FEMA-688-DR), dated August 1, 1983, and related determinations.

DATED: August 1, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

NOTICE: Notice is hereby given that, in a letter of August 1, 1983, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended, (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288) as follows:

I have determined that the damage in certain areas of the State of Arkansas, resulting from severe storms and flooding beginning on July 2, 1983, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Arkansas.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and redelegated to me, I hereby appoint Mr. Lonnie R. Chant of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Arkansas to have been affected adversely by this declared major disaster:

Hempstead, Howard, Little River, Pike and Sevier Counties for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-21619 Filed 8-8-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-680-DR]

Utah; Amendment to Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of Utah (FEMA-680-DR), dated April 30, 1983, and related determinations.

DATED: July 18, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0501.

Notice: The notice of a major disaster for the State of Utah dated April 30, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 30, 1983:

Carbon and Daggett Counties for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-21620 Filed 8-8-83; 8:45 am]

BILLING CODE 6718-02-M

[Docket: FEMA-REP-2-NJ-2]

Ocean County, New Jersey, Radiological Emergency Response Plan for Oyster Creek Nuclear Generating Station

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continue operations of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local governments plans, the State of New Jersey has submitted its radiological emergency plans to the FEMA Regional office. These plans support the nuclear power plant which impacts on Ocean County, New Jersey and include those of local governments near the Oyster Creek Nuclear Generating Station in Ocean County, New Jersey.

Date plans received: June 22, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Petrone, Regional Director, FEMA Region II, 26 Federal Plaza, New York, New York 10278, (212) 264-8980.

Notice: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local government's radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Plan for Ocean County, New Jersey was received by the Federal Emergency Management Agency Region II Office.

Included are plans for local governments which are wholly or partically within the plume exposure pathway emergency planning zones of the nuclear plant.

Copies of the Plan are available for review at the FEMA Region II Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 1313 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Frank Petrone, Regional Director, at the above address within thirty days of this Federal Regional notice.

FEMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plans. Details of this meeting will be announced in the Asbury Park Press at least two weeks prior to the scheduled meeting. Local radio and television stations will be requested to announce the meeting.

Dated: July 19, 1983.

Frank R. Petrone,

Regional Director.

[FR Doc. 83-21617 Filed 8-8-83; 8:45 am]

BILLING CODE 6718-01-M

Senior Executive Service Performance Review Board; Members

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Listing names of the members of the Senior Executive Service Performance Review Board.

DATE: August 1, 1983.

FOR FURTHER INFORMATION CONTACT: Joan McDonald, Director of Personnel, 500 C Street, SW, Washington, D.C. 20472, 202/287-0440.

SUPPLEMENTARY INFORMATON: The names of the members of the FEMA Senior Performance Review Board established pursuant to 5 U.S.C. 4314(c) are:

Members: Gerald S. Martin, Joseph A. Moreland, Robert C. Goffus, James L. Holton, and Paul K. Krueger.

Alternates: David M. Sparks, John D. Hwang, Dennis W. Boyd, and Robert G. Chappell.

Dated: August 1, 1983.

Joan C. McDonald,

Director of Personnel.

[FR Doc. 83-21618 Filed 8-8-83; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in section 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: T-3813-8.

Title: Department of Transportation, State of Hawaii and Matson Terminals, Inc.

Parties: Department of Transportation, State of Hawaii (State), and Matson Terminals (Matson).

Synopsis: The purpose of Agreement No. T-3813-8 is to restate Agreement No. T-3813-A, as amended by Agreement No. T-3813-1, in its entirety to reflect in a single document all of the terms and provisions of the lease between the parties covering the facilities leased by the State to Matson at the Terminal Complex at Sand Island, Honolulu Harbor, Oahu, Hawaii. The amendment also adds to the leased premises a Molasses Tank Farm Facility, and adjusts the annual ground rent for the land parcel and easements involved.

Filing party: Ryokichi Higashionna, Director of Transportation, State of Hawaii, Department of Transportation, 869 Punchbowl Street, Honolulu, Hawaii 96813.

Agreement No.: 5850-39.

Title: North Atlantic Westbound Freight Association.

Parties: Atlantic Container Line (GIE); Dart Containerline Co., Ltd.; Gulf Europe Express; Hapag Lloyd AG; Sea-Land Service, Inc.; United States Lines, Inc.

Agreement No.: 7100-27*.

Title: North Atlantic United Kingdom Freight Conference.

Agreement No.: 7670-23*.

Title: North Atlantic Baltic Freight Conference.

Agreement No.: 7770-24*.

Title: North Atlantic French Atlantic Freight Conference.

Agreement No.: 8210-47*.

Title: Continental North Atlantic Westbound Freight Conference.

Agreement No.: 9214-31*.

Title: North Atlantic Continental Freight Conference.

Agreement No.: 9982-18*.

Title: Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference.

*Parties: Atlantic Container Line (GIE); Dart Containerline Co., Ltd.; Hapag Lloyd AG; Sea-Land Service, Inc.; United States Lines, Inc.

Synopsis: The proposed amendments to the seven agreements listed above would grant them U.S. intermodal authority, authorize a right of independent action upon 30 days' notice and eliminate the current provision in the basic agreements allowing individual member action upon 120 days' notice with respect to intermodal services not being offered under a conference tariff.

Filing party: Stanley O. Sher, Esquire, Billig, Sher & Jones, 2033 K Street, N.W., Suite 300, Washington, D.C. 20006.

Agreement No.: 9648A-23.

Title: Inter-American Freight Conference.

Parties: A. Bottacchi S.A. De Navegacion C.F.I.e I.; Pan American Mail Line, Inc. d/b/a Pan Atlantic Lines; A/S Ivarans Rederi; Colonial Carib Carriers, Ltd.; Companhia Maritima Nacional; Companhia De Navegacao Lloyd Brasileiro; Companhia De Navegacao Maritima Netumar; Cylanco S.A.; Delta Steamship Lines, Inc.; Empresa Lineas Maritimas Argentinas Sociedad Anonima (ELMA S/A); Empresa De Navegacao Alianca S.A.; Frota Amazonica S.A.; Georgia-Aztec Line Joint Service; High Seas Company Limited; Van Nievelt Goudriaan & Co. B. V.; J. Lauritzen Holding A/S; Kimberly Navigation Company; Lineas Maritimas Paraguayas S.A.; Lumber Carriers Limited; Moore McCormack Lines, Incorporated; Mortensen and Lange; Naviera Amazonica Peruana S.A.; Passaat Line N.V.; Reefer Express Lines Pty. Ltd.; Ship Operators (International) Inc.; Transportacion Maritima Mexicana S. A.

Synopsis: Agreement No. 9648A-23 would amend the basic agreement to include transshipment cargo; to increase the admission fee; to make textual changes of an administrative/clarifying nature and to restate the basic agreement in its entirety.

Filing party: Wade S. Hooker, Jr., Esquire, Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Agreement No.: 10476.

Title: Pacific Australia Direct Line/ Totem Ocean Trailer Express, Inc. Equipment Interchange Agreement.

Parties: Pacfic Australia Direct Line; Totem Ocean Trailer Express, Inc.

Synopsis: Agreement No. 10476 would provide for the interchange of empty and loaded equipment between the parties in the Far East/United States trade.

Filing party: Joseph H. Dettmar, Esquire, Garvey, Schubert, Adams & Barer, 1000 Potomac Street, N.W., Washington, D. C. 20007.

Agreement No.: 10482.

Title: Italia/d'Amico Joint Service.

Parties: Italia Navagazione S.p.A. d'Amico Societa di Navagazione per Azioni.

Synopsis: Agreement No. 10482 would authorize Italian Line and d'Amico Line to provide service between ports on the Pacific Coast of the United States, and ports on the Mediterranean and Black Seas and the Atlantic Coast of Spain, Morocco, and Portugal and from and/or to all inland points of destination and/or origin to the extent cargo moves through such ports.

Filing party: Ms. Sandra L. Richardson, Billig, Sher & Jones, P.C., 2033 K Street, N.W., Washington, D. C. 20006.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

Dated: Augest 4, 1983.

[FR Doc. 83-21699 Filed 8-8-83; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License Applicant; Hemisphere Forwarding, Inc.

Notice is hereby given that following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, DC 20573.

Hemisphere Forwarding, Inc., c/o Morton Brautman, 15 Nuthatch Lane, West Nyack, NY 10994. Officers: Morton Brautman, President/Director, Michael Avnet, Vice President, Seymour Spergel, Vice President, Judith Brautman, Secretary.

By the Federal Maritime Commission.

Dated: August 3, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-21594 Filed 8-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1922]

Kadon Freight Forwarders, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Kadon Freight Forwarders, Inc. was cancelled effective July 8, 1983.

By letter dated June 9, 1983, Kadon Freight Forwarders, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1922 would be automatically revoked unless a valid surety bond was filed with the Commission.

Kadon Freight Forwarders, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(f) dated November 12, 1981:

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1922 be and is hereby revoked effective July 8, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 1922 issued to Kadon Freight Forwarders, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Kadon Freight Forwarders, Inc.

Robert M. Skall,

Deputy Director, Bureau of Certification & Licensing.

[FR Doc. 83-21597 Filed 8-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2184]

Kronos International Shippers, Inc.; Reinstatement of License

By Notice served and published in the **Federal Register**, Independent Ocean Freight Forwarder License No. 2184 was revoked, effective May 22, 1983, for

failure to maintain a valid surety bond on file with the Commission. The Notice of Revocation as served on May 27, 1983.

An appropriate surety bond has been received in favor of Kronos International Shippers, Inc., and compliance pursuant to section 44, Shipping Act, 1916, and § 510.15 of the Commission's General Order 4 has been achieved.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in § 10.01(a) of Commission Order No. 1 (Revised), dated November 12, 1981, Independent Ocean Freight Forwarder License NO. 2184 shall be reissued to Kronos International Shippers, Inc. effective July 29, 1983. A copy of this notice shall be published in the **Federal Register** and served upon Kronos International Shippers, Inc.

Robert M. Skall,

Deputy Director, Bureau of Certification and Licensing.

[FR Doc. 83-21596 Filed 8-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 83-32]

Kuehne and Nagel, Inc. v. Barber Steamship Lines, Inc. as Agents for Barber Blue Sea Line and Nedlloyd Lines; Filing of Complaint and Assignment

Notice is given that a complaint filed by Kuehne & Nagel, Inc. against Barber Steamship Lines, Inc. as agents for Barber Blue Sea Line and Nedlloyd Lines was served July 29, 1983. Complainant alleges that respondents have subjected it to an overcharge of rates for ocean transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Seymour Glanzer. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 83-21588 Filed 8-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 83-33]

Rates Applicable to Ocean Shipment of Associated Factories, Inc.; Filing of Petition for Declaratory Order

There has been referred to the Commission by the Honorable B. Avant Edenfield, United States District Judge of the District Court of the Southern District of Georgia an issue which has risen in the course of a civil action brought by Associated Factories, Inc. against Sea-Land Service, Inc. The issue involves how the volume of certain carpet rolls should be computed for the purpose of calculating ocean freight charges.

While not designated as such, the referral lends itself to procedural handling under Rule 168 of the Commission's Rules of Practice and Procedure (46 CFR 502.68) which governs the filing of petitions for declaratory orders. Some deviation from those procedures is necessary, however, in order to develop a complete record. Accordingly, the parties shall file affidavits of fact and memoranda of law on or before August 31, 1983. Reply briefs shall be filed on or before September 16, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-21589 Filed 8-8-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 130]

North East West South Shipping Co., Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of North East West South Shipping Co., Inc., 87 Washington Street, New York, NY 10006 was cancelled effective July 9, 1983.

By letter dated June 9, 1983, North East West South Shipping Co., Inc., was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 130 would be automatically revoked unless a valid surety bond was filed with the Commission.

North East West South Shipping Co., Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(f) dated November 12, 1981:

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 130 be and is hereby revoked effective July 9, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 130 issued to North East West South Shipping Co., Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon North East West South Shipping Co., Inc.

Robert M. Skall,

Deputy Director, Bureau of Certification and Licensing.

[FR Doc. 83-21586 Filed 8-8-83; 8:45 am]

BILLING CODE 6730-01-M

OFFICE OF THE FEDERAL REGISTER

Termination of the Two-Day-a-Week Publication Program

AGENCY: Office of the Federal Register.

ACTION: Notice of termination of program.

SUMMARY: The Office of the Federal Register announces the termination of the formal program for publishing documents of certain agencies in the **Federal Register** on a two-day-a-week schedule (Monday/Thursday or Tuesday/Friday). This action will alleviate production problems associated with this program and relieve agencies of certain costs related to compliance with the two-day-a-week publication schedule.

EFFECTIVE DATE: August 22, 1983.

FOR FURTHER INFORMATION CONTACT: James Burroughs at (202) 523-4534.

SUPPLEMENTARY INFORMATION: On April 28, 1983 (48 FR 19283), the Office of the Federal Register (OFR) proposed terminating its formal program for publishing agency documents on a two-day-a-week schedule.

The OFR instituted this program on February 6, 1976 (41 FR 5453), with agencies agreeing voluntarily to participate in accordance with the new schedule. This program was expected to benefit **Federal Register** users by eliminating the necessity for daily

monitoring of the **Federal Register**. A user could find the documents of a participating agency by checking Monday/Thursday or Tuesday/Friday editions, thereby reducing time spent reviewing the **Federal Register** by sixty percent.

The two-day-a-week publication plan provided that a participating agency could request emergency publication of a document on a day other than one of its assigned days to accommodate special situations. In such cases, the requesting agency agreed to the republication of the document on the next assigned day. Based on the two-day-a-week publication schedule, the OFR anticipated that a selective subscription plan could be developed.

The anticipated benefits of the program have not materialized. Page rates were established since the program was initiated, and agencies participating in the program have incurred double publication costs, paid to the Government Printing Office, whenever agencies requested publication on a non-schedule day and then republished on the next regular assigned day. Participation by only a handful of agencies and user need to monitor related rules from other agencies have limited the usefulness of the program. The Government Printing Office is responsible for sales, subscription and distribution of the **Federal Register**. The Government Printing Office has determined that a selective subscription plan, with its multiple subscriber lists and varied production requirements, would be more expensive than the single complete annual subscription plan.

Comments

Nine written comments were received by the OFR in response to the proposed termination of the program. Four of the comments were from Government agencies which participate in the two-day-a-week schedule, two comments were from municipal governments, two comments from private corporations, and one from an association.

A review of the comments shows a mixed response to the proposal to terminate this program. Comments from three of the Government agencies supported the termination proposal. These agencies referred to the special handling of documents to meet the schedule, and the lack of a selective subscription plan. One agency urged continuation of the assigned publication schedule and urged the OFR and GPO to reconsider the viability of a selected subscription system. Of special note was that this agency saved money by grouping several documents, avoiding printing charges for a partially used column. This technique continues to be available to any agency which chooses to submit several documents for publication on the same day.

Both of the municipal governments opposed the termination of the program. One of the commentors suggested that the program be made mandatory and both cited the ease with which participating agency documents could be monitored.

The OFR cannot require agencies to participate in the program. The OFR is required by statute to publish documents promptly when properly submitted by an agency (44 U.S.C. 1502). Additionally, the OFR must arrange for emergency publication when warranted. As a consequence, the program must be voluntary to allow maximum flexibility and efficiency to meet the publication needs of the various Federal agencies.

The three comments from private organizations were mixed. Two supported the existing program as a useful aid in following the actions of participating agencies. One commenter specifically mentioned the program was useful in monitoring the rules of the Environmental Protection Agency (EPA). The EPA *does not* formally participate in the program. However, EPA has chosen, on its own, to publish certain types of documents on Wednesday or Friday, a practice that EPA initiated before the OFR started the two-day-a-week publication schedule. The third commenter stated that in six years, no benefit to that user was found and that her company supported the termination of the program.

Conclusions

The OFR has concluded that the program has not prompted sufficient interest or support among users or issuing agencies in the system to justify its continued use. The lack of a cost-effective selective subscription plan and the failure of more than a few agencies to participate in the program also weigh against continuation of the program. The OFR for its part has encountered chronic production difficulties with the program. Additional editorial work is involved when agencies request expedited handling of documents to meet the assigned schedule and when agencies publish documents on a non-schedule day and republish them on the next assigned day. Within available resources at the OFR, it has become difficult to provide the special handling these domuments require while maintaining normal publication operations.

These conclusions have been presented to the Administrative Committee of the Federal Register. The members of the Committee have concurred in the decision to terminate the formal two-day-a-week publication schedule.

An agency may wish to continue an informal publication schedule on certain days of the week. As previously mentioned, some agencies published certain documents on specific days of the week before the beginning of the OFR program in 1976. For example, the Employment Standards Administration has published the minimum wage determination decisions for Federal and federally assisted construction projects on Fridays since August 1971, and EPA publishes certain documents on specific days of the week. It is possible that some agencies will continue to publish on specific days of the week after the termination of the OFR program. These agencies should submit documents on the schedule prescribed in 1 CFR 17.2 and request publication on a date certain.

In the period since this proposed termination was published on April 28, 1983, to the present, when an agency published on a non-scheduled day the OFR editorially inserted a note into the Table of Contents of the issue published on the agency's next assigned day. The note referred readers to the date of actual publication. This practice will be discontinued on August 22, 1983 when the two-day-a-week program terminates.

Dated: August 3, 1983.

John E. Byrne,

Director of the Federal Register.

[FR Doc. 83-21570 Filed 8-8-83; 8:45 am]

BILLING CODE 1505-02-M

GENERAL SERVICES ADMINISTRATION

Clean Air and Water Certification, Customs and Duties, Balance of Payments Program Certificate, Buy American Act, Trade Agreements Act and Buy American Certificate

AGENCY: General Services Administration.

ACTION: Notice of existing information collections.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration (GSA) plans to request the Office of Management and Budget to review and approve the continued use of existing information collection requests.

DATES: Comments on these information requirements must be submitted on or before August 31, 1983.

ADDRESSES: Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and John Gilmore, GSA Clearance Officer, GSA (ORAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Victoria Moss (202-696-5180).

SUPPLEMENTARY INFORMATION: 1. *Purpose.* a. *Clean Air and Water Certification.* Organizations competing for Federal contracts must certify that facilities to be used are in compliance with the Clean Air and Water Acts.

b. *Customs and Duties.* Federal contractors must notify the Government in writing of any purchase of foreign supplies in excess of $10,000. This is necessary for determining if the supplies should be duty-free.

c. *Balance of Payments Program Certificate.* Firms competing for Federal contracts must list all foreign end products proposed to be sold to the Government. This is necesssary to identify which products or services are domestic or foreign.

d. *Buy American Act—Trade Agrement Act—Balance of Payments Program Certificate.* Offerors must identify all foreign end products and designated country end products proposed for sale to the Government. This is necessary to select appropriate sources for supplies and equipment.

e. *Buy American Certificate.* Firms competing for Government contracts must list all foreign end products proposed for sale to the Government. This is necessary to select appropriate sources for supplies.

2. *Obtaining copies.* Copies of the information collection proposals may be obtained from the Directives and Reports Management Branch (ORAI), Room 3015, GS Building, Washington, DC 20405, telephone (202-566-0666).

Dated: August 1, 1983.

Clarence A. Lee, Jr.,

Director of Administrative Services.

[FR Doc. 83-21652 Filed 8-8-83; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

NIOSH Symposium on the Toxic Effects of Glycol Ethers; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Healh (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by the space available:

Date: September 19-21, 1983.

Time: 8:00 a.m. to 4:30 p.m.

Place: Meeting Room "Bronze B" Stouffer's Cincinnati Towers 141 W. 6th Street, Cincinnati, Ohio 45202.

Purpose: To present current research and discuss future research needed to the toxic effects of glycol ethers. Alkyl ether derivatives of ethylene glycol are an important group of solvents with numerous consumer and industrial applications. Evidence developed over the past two years has shown several members of this chemical family to be teratogenic and embryotoxic following exposure of pregnant animals. Male animals are subject to testicular atrophy and infertility as a result of exposure. This symposim will bring together scientists from government, industry, and academic laboratories who are actively investigating the adverse reproductive and other toxic properties of this chemical family. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Additional information may be obtained from: Bryan D. Hardin, Ph.D., Division of Biomedical and Behavioral Science, National Institute for Occupational Safety and Health Centers for Disease Control, 4776 Columbia Parkway, Cincinnati, Ohio 45226. Telephone: FTS: 684-8465, Commercial: 513/684-8465.

Dated: August 3, 1983.

William C. Waston, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 83-21654 Filed 8-8-83; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

[FDA 225-83-0002]

Memorandum of Understanding Between the Arkansas State University and the Food and Drug Administration, National Center for Toxicological Research

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the Arkansas State University (ASU). The purpose of the agreement is to provide the mechanism for a collaborative program between ASU at Jonesboro, AR, and FDA's National Center for Toxicological Research (NCTR) at Jefferson, AR. The agreement provides an opportunity for NCTR to assist in training highly qualified toxicologists from a pool of students produced by ASU who are well prepared and highly motivated to pursue advanced study in the biomedical sciences.

EFFECTIVE DATE: The agreement was effective July 7, 1983.

FOR FURTHER INFORMATION CONTACT: Walter J. Kustka, Intergovernmental and Industry Affairs Staff (HFC-50), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1583.

SUPPLEMENTARY INFORMATION: In accordance with § 20.108(c)(21 CFR 20.108(c)) stating that all agreements between FDA and others shall be published in the Federal Register, the agency is publishing the following memorandum of understanding:

Memorandum of Understanding Between the Arkansas State University and the Food and Drug Administration, National Center for Toxicological Research

I. Purpose

This agreement will provide the mechanism for a collaborative program between the Arkansas State University (ASU) at Jonesboro, AR, and the Food and Drug Administration's National Center for Toxicological Research (NCTR) at Jefferson, AR.

II. Background

Arkansas State University is a public, State-supported, multi-purpose institution with approximately 8,000 students. One of the major objectives of the University is to produce a pool of students who are well prepared and highly motivated to pursue advanced study in the biomedical sciences.

The National Center for Toxicological Research is a Federal laboratory specializing in biomedical research. A part of NCTR's goal is to assist in training highly qualified toxicologists. The collaborative program with ASU provides an opportunity to accomplish this while furthering NCTR's research goals.

III. Substance of Agreement

Through this agreement, NCTR will provide facilities, equipment, materials, and limited supervision for outstanding science students who will serve as guest workers or on summer appointments if spaces are available at the Center, performing collaborative research with NCTR scientists. In addition, NCTR will provide guest worker positions or appointments to do collaborative research for qualified faculty members of ASU, if spaces are available during summers, periods of sabbatical leave, or other mutually agreed upon times.

NCTR and ASU will establish a joint guest lecture and seminar program for the benefit of all members of both institutions to promote exchange of information on the latest developments at both institutions.

IV. Name and Address of Participating Parties

A. Arkansas State University, State University, AR 72467.

B. Food and Drug Administration, National Center for Toxicological Research, Jefferson, AR 72079.

V. Liaison Officers

A. For Arkansas State University: President, ASU (currently Ray Thornton), State University, AR 72467, 501-972-3030.

B. For National Center for Toxicological Research: Director, NCTR (currently Dr. Ronald W. Hart), Jefferson, AR 72079, 501-541-4517.

VI. Period of Agreement

This agreement becomes effective upon acceptance by both parties and will continue indefinitely. It may be modified by mutual consent or terminated by either party upon a 60-day advance written notice to the other.

Approved and Accepted for the Arkansas State University:

By: s/Ray Thornton
Title: President
Date: July 7, 1983

Approved and accepted for the Food and Drug Administration:

By: s/Joseph P. Hile
Title: Associate Commissioner for Regulatory Affairs
Date: June 17, 1983.

Effective date. This memorandum of understanding became effective July 7, 1983.

Dated: August 2, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-21417 Filed 8-8-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83M-0255]

Precision-Cosmet Co., Inc.; Premarket Approval of Circular Open Loop Models 7100, 7101, 7110, and 7111, and Kratz Elliptical Open Loop Models 7200, 7210, 7211, 7220, 7221, 7230, 7240, 7241, 7250, 7251, 7260, and 7261 Posterior Chamber Intraocular Lenses

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Circular Open Loop Models, 7100, 7101, 7110, and 7111, and Kratz Elliptical Open Loop Models 7200, 7210, 7211, 7220, 7221, 7230, 7240, 7241, 7250, 7251, 7260, and 7261 Posterior Chamber Intraocular Lenses sponsored by Precision-Cosmet Co., Inc., Minnetonka, MN. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by September 8, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review 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: Charles H. Kyper, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On September 30, 1982, Precision-Cosmet Co., Inc., submitted to FDA an application for premarket approval of the Circular Open Loop Models 7100, 7101, 7110, and 7111, and Kratz Elliptical Open Loop Models 7200, 7210, 7211, 7220, 7221, 7230, 7240, 7241, 7250, 7251, 7260, and 7261 Posterior Chamber Intraocular Lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On July 21, 1983, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices. The Circular Open Loop Models 7100, 7101,7110, and 7111, and Kratz Elliptical Open Loop Models 7200, 7210, 7211, 7220, 7221, 7230, 7240, 7241, 7250, 7251, 7260, and 7261 Posterior Chamber Intraocular Lenses are indicated for primary implantation in persons 60 years old and older for the visual correction of aphakia where a cataractous lens has been removed by extracapsular extraction methods.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before September 8, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 2, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-21416 Filed 8-8-83; 8:45 am]

BILLING CODE 7160-01-M

[Docket No. 83P-0242]

Canned Bean Sprouts Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The food and Drug Administration (FDA) announces that a

temporary permit has been issued to the Del Monte Corp. to market test experimental packs of canned bean sprouts containing calcium chloride as the firming agent. The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the food.

DATES: The permit is effective for 15 months, beginning on the date the test product is introduced or caused to be introduced into interstate commerce, but no later than November 7, 1983.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of a standard of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to the Del Monte Corp., San Francisco, CA 94119.

The permit covers limited interstate marketing tests of experimental packs of canned bean sprouts. The test product deviates from the standard of identity for canned bean sprouts prescribed in 21 CFR 155.200 (Certain other canned vegetables), in that it will contain calcium chloride in an amount reasonably necessary to improve crispness of the test product but not in an amount such that calcium contained therein exceeds 0.051 percent of the weight of the finished food. The test product meets all requirements of § 155.200, with the exception of the variation. The permit provides for the temporary marketing of 500,000 cases of twenty-four number 303 cans and 50,000 cases of twenty-four number 2½ cans of the test product. The experimental packs of the test product will be distributed in all 50 States. The test product is to be manufactured at the Del Monte Corp. plant located in Cambridge, MD 21613.

The principal display panel of the label states the product name as "CHUN KING Bean Sprouts" and each of the ingredients used is stated on the label as required by the applicable sections of 21 CFR Part 101. The permit is effective for 15 months, beginning on the date the test product is introduced or caused to be introduced into interstate commerce, but no later than November 7, 1983.

Dated: August 1, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-21553 Filed 8-8-83; 8:45 am]

BILLING CODE 4160-01-M

Consensus Workshop on Formaldehyde; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration's National Center for Toxicological Research (NCTR), under sponsorship of the U.S. Environmental Protection Agency will covene a Consensus Workshop on Formaldehyde to discuss the existing scientific data and to identify future research needs regarding formaldehyde.

DATES: The Consensus Workshop on Formaldehyde will be held between 8 a.m. and 5 p.m. October 3 to 6, 1983, at the Excelsior Hotel and State House Convention Center in Little Rock, Arkansas.

FOR FURTHER INFORMATION CONTACT: William F. McCallum, National Center for Toxicological Research (HFT-100), Jefferson, AR 72079, 501-541-4513 of FTS 542-4513.

SUPPLEMENTARY INFORMATION: Recent scientific studies have heightened concern about the possible human health effects of formaldehyde, and regulatory actions have been considered, proposed, or initiated by Federal agencies. However, controversy remains about the certainty of scientific data and the conclusions drawn from them about human health effects. At the request of the Regulatory Work Group on Science and Technology, White House Office of Science and Technology Policy, the Environmental Protection Agency signed an Interagency Agreement with NCTR for the purpose of convening a scientific consensus workshop on formaldehyde to discuss the exisiting scientific data and to identify future research needs.

In the **Federal Register of** of December 7, 1982 (47 FR 55034), the Food and Drug Administration (FDA) gave notice that the agency's National Center for Toxicological Research (NCTR) intended to convene a Consensus Workshop on Formaldehyde. The notice invited nominations of experts to serve on the scientific panels to be formed and solicited questions to be addressed by the Consensus Workshop panels.

Eight scientific panels have been established and their deliberations will constitute the Consensus Workshop. The panels are Risk Estimation; Exposure; Epidemiology; Carcinogenicity/Histopathology/Genotoxicity; Behavior/Neurotoxicity/Psychological Effects; Structure Activity/Biochemistry/Metabolism; Immunology/Sensitization/Irritation; and Reproduction/Teratology. The names of the participants in the consensus workshop are listed at the end of this notice. Other interested persons are welcome to attend the workshop and present their views. Set forth below are the general areas to be addressed and the specific questions that will be discussed.

Discussion Topics

Risk Estimation

1. How can all the available data be integrated to make reasonable risk estimates (neoplastic and non-neoplastic) for humans exposed to formaldehyde at various levels and through different routes?

a. In making estimates, what data and assumptions lead the panel to choose one method over another?

b. In making risk estimates, how can data be used from:

(1) Metabolism studies,

(2) Biological endpoints (importance of benign tumors),

(3) Individual variabilities,

(4) Epidemiology,

(5) High or low dose extrapolation models,

(6) Interspices variation.

c. What are the uncertainties in estimates of risk?

2. Are any practically achievable data likely to resolve any of the uncertainties?

Exposure

1. What are the sources, modes, and levels of exposures in various segments of the population?

a. What are the available monitoring (collection and analytical) methods and what are the reliability, accuracy, sensitivity, specificity, comparability, and limitations of these methods?

b. What is known about the levels and sources of exposure in residences, public buildings, occupational areas, outdoor air, water, soil, consumer products, and medical procedures? How do these exposures vary in duration, concentration and frequency?

c. What factors (environmental and physiological) affect exposure in man and experimental animals?

d. What is the size and composition of populations exposed to various ranges of concentrations of formaldehyde by various routes?

2. What data that are currently lacking would be most important in resolving controversies about exposure?

Epidemiology

1. What is the epidemiologic evidence concerning the relationship between formaldehyde exposure and human illness (neoplastic and non-neoplastic)?

a. What are the limitations and/or strengths of the available epidemiologic data (e.g., power, confounding variables)?

b. Can any or all of the data from epidemiologic studies on the relationship between cancer and formaldehyde be combined in order to provide a greater data base for statistical evaluation?

c. Are there any epidemiologic hypotheses that can be developed from case reports of illness following exposure to formaldehyde?

d. What levels of exposure or what types of exposure to formaldehyde have been reliably associated with human biological responses as evidenced from epidemiologic data?

e. Does the epidemiologic evidence indicate that some segments of the population are particularly sensitive to any adverse health effects of formaldehyde? If so, which segments and at what levels of exposure?

2. After reviewing completed and ongoing studies, what attainable additional studies might clarify any exposure disease relationships?

Carcinogenicity/Histopathology/Genotoxicity

1. What conclusions can be drawn from the available experimental data relative to the carcinogenicity/genotoxicity of formaldehyde? Are there data from studies that permit projections to be made about potential human responses?

a. What role does the cytotoxicity of formaldehyde play in its carcinogenicity in experimental animals?

b. What is the significance of benign tumors and potential preneoplastic lesions in the carcinogenic response in rats exposed to formaldehyde by inhalation?

c. What do genotoxicity studies tell us abot the potential of formaldehyde to be an initiator or promoter for carcinogenesis or a mutagen in somatic or germ cells?

d. What non-neoplastic changes occur when experimental animals and man are exposed to formaldehyde? What is the health significance of these changes?

2. What critical questions remain to be answered?

Behavior/Neurotoxicity/Psychological Effects

1. What is known about the effects of formaldehyde on the biochemistry and/or morphology of the nervous system?

2. Does formaldehyde induce behavioral or psychological changes? If so, what is the evidence and what methods can be used to measure the changes?

3. What critical experimental questions remain? What epidemiologic studies might be important in this area?

Structure Activity/Biochemistry/Metabolism

1. What is known about the metabolism and fate of exogenous and endogenous formaldehyde in experimental animals and man?

a. What are the data concerning binding of formaldehyde or its metabolic products to cellular macromolecules?

b. Are there common biological effects induced by short-chain aldehydes that can be predicted on the basis of structure activity relationships?

c. What are the quantitative relationships between exposure levels and concentrations of formaldehyde in particular tissues and organs?

d. Are there compounds that exert an effect by forming formaldehyde during metabolism?

2. What critical experiments would resolve uncertainties in this area?

Immunology/Sensitivity/Irritation

1. What is the significance of reports that formaldehyde causes irritation and/or sensitization following topical or inhalation exposure?

a. Is formaldehyde a primary sensitizing agent or does it elicit a response only in presensitized populations?

b. If irritation, primary or secondary sensitization, occurs, who are the susceptible populations?

c. What are the possible mechanisms for formaldehyde-induced irritation/sensitization?

d. Do threshold levels exist for irritation/sensitization? If so, what are the levels and the concentration ranges? Do thresholds differ for different populations (sensitized)?

e. Is there evidence for effects of formaldehyde on the immune system?

2. What experiments would be most important to resolve any controversies in this area?

Reproduction/Teratology

1. Is there evidence that formaldehyde produces reproductive toxicity or is teratogenic in experimental animals or man?

a. Is there evidence that formaldehyde causes germ cell mutations in experimental animals which are clinically significant?

b. If there is evidence for reproductive or teratogenic effects, are there biological models to explain the activity?

1. Is there evidence for reproductive or teratogenic effects from substances related to formaldehyde or known to be metabolized to formaldehyde?

2. What experimental or epidemiologic studies would be important to resolve any controversies in this area?

After an opening session to start the Consensus Workshop, all panels (except the Risk Estimation Panel) will meet on October 3 and 4, 1983. On Wednesday morning, October 5, 1983, each of these panels will present oral reports. The Risk Estimation Panel will meet on the afternoon of October 5, 1983, and on October 6, 1983. The Consensus Workshop on Formaldehyde will be open to the public. Proceedings of the Consensus Workship on Formaldehyde will be published. For additional information concerning the Consensus Workshop on Formaldehyde please contact Dr. William F. McCallum, National Center for Toxicological Research (HFT-100), Jefferson, Arkansas 72079.

Following is an alphabetical list of the participants in the consensus workshop.

Dr. E. A. Acheson, Director and Professor of Clinical Epidemiology, MRC Environmental Epidemiology Units, Southampton General Hospital, Southampton S09 4XT, England.

Dr. Yves Alarie, Graduate School of Public Health, University of Pittsburgh, Pittsburgh, PA 15261.

Dr. Roy Albert, New York University Medical Center, Institute of Environmental Medicine, 550 First Ave., New York, NY 10015.

Dr. Joseph Arcos (TS-778), Senior Science Advisor, Assessment Division, Office of Toxic Substances, United States Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Dr. Jean L. Balmat, E. I. du Pont de Nemours, Chemicals and Pigments Department, Experimental Station 336/243, Wilmington, DE 19698.

Dr. James R. Beall, Department of Energy, ER-72, E-201, GTN, Washington, DC 20545.

Dr. Ruth E. Billings, University of Texas Health Science Center, Department of Pharmacology, P.O. Box 20703, Houston, TX 77225.

Dr. Aaron Blair, National Cancer Institute, Landow Building, Rm. 4C16, Bethesda, MD 20205.

Dr. Craig Boreiko, P.O. Box 12137, Chemical Industry Institute of Toxicology, Research Triangle Park, NC 27709.

Dr. Sarah H. Broman, Chief, Mental Retardation and Learning Disorders

Section, Developmental Neurology Branch, NINCDS, CDNDP, NIH, 7550 Wisconsin Ave., Rm. 8C-06, Bethesda, MD 20205.
Dr. Charles C. Brown, National Cancer Institute, Landow Building, Rm. 5C03, Bethesda, MD 20205.
Dr. Frank W. Carlborg, 400 South Ninth St., Saint Charles, IL 60174.
Dr. Murray S. Cohn, U.S. Consumer Product Safety Commission, Washington, DC 20207.
Dr. Michael J. Colligan, NIOSH, 4676 Columbia Pkwy., Cincinnati, OH 45226.
Dr. Thomas F. Collins, Bureau of Foods (HFF-162), Food and Drug Administration, FB8, 200 C St. SW., Washington, DC 20204.
Dr. Jack H. Dean, Head, Department of Cell Biology, Chemical Industry Institute of Toxicology, P.O. Box 12137, Research Triangle Park, NC 27709.
Dr. Frederick J. de Serres, Associate Director for Genetics, National Institute of Environmental Health Sciences, A2-02, P.O. Box 12233, Research Triangle Park, NC 27709.
Mr. John M. Fajen, M.S., National Institute for Occupational Safety and Health, Industry-Wide Studies Branch, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, OH 45226.
Dr. Victor J. Feron, Institute CIVO-Toxicology and Nutrition TNO, P.O. Box 360, 3700 AJ ZEIST, The Netherlands.
Dr. John F. Gamble, NIOSH/DRDS, Epidemiology Investigation Branch, 944 Chestnut Ridge Rd., Morgantown, WV 26505.
Dr. Richard B. Gammage, Rm. S-256, Bldg. 45005, Oak Ridge National Laboratory, P.O.Box X, Oak Ridge, TN 37830.
Dr. David Gaylor, Division of Biometry (HFT-140), National Center for Toxicological Research, Jefferson, AR 72079.
James E. Gibson, Vice President and Director of Research, Chemical Industry Institute of Toxicology, P.O. Box 12137, Research Triangle Park, NC 27709.
Dr. Leon Golberg, 2109 Nancy Ann Dr., Raleigh, NC 27607.
Dr. Richard Griesemer, Biology Division, P.O. Box Y, Bldg. 9207, Oak Ridge National Laboratory, Oak Ridge, TN 37830.
Dr. K. C. Gupta, Consumer Product Safety Commission, 5401 Westbard Ave., Bethesda, MD 20207.
Dr. Henry d'A. Heck, Chemical Industry Institute of Toxicology, P.O. Box 12137, Research Triangle Park, NC 27709.
Dr. Peter F. Infante, U.S. Department of Labor/OSHA, Health Standards Program—Rm. N3718, 200 Constitution Ave., NW., Washington, DC 20210.
Dr. Stan Kasl, Department of Epidemiology and Public Health, Yale University School of Medicine, 60 College St., P.O. Box 3333, New Haven, CT 06510.
Dr. Eugene R. Kennedy, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, OH 45226.
Dr. Michael D. Lebowitz, Professor of Internal Medicine, University of Arizona Health Sciences Center, Division of Respiratory Sciences, Rm. 2332, Tucson, AZ 85724.
Dr. Keith R. Long, Institute of Agricultural Medicine and Environmental Health, University of Iowa, Oakdale, IA 52319.
Dr. Mary F. Lyon MRC Radiobiology Unit, Harwell Didcot, Oxon OR11 ORD, England.
Dr. Howard Maibach, University of California Medical School, San Francisco, CA 94143.
Dr. Thomas A. Marks, Teratology and Reproduction, Upjohn Co., 301 Henrietta St., Kalamazoo, MI 49001.
Dr. J. Justin McCormick, Carcinogenesis Lab, Fee Hall, Michigan State University, East Lansing, MI 48824.
Dr. Edward A. Mortimer, Jr., Dept. of Epidemiology and Community Health, School of Medicine, Case Western Reserve University, Cleveland, OH 44106.
Dr. Paul Nettesheim, Laboratory of Pulmonary Function and Toxicology, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709.
Dr. William J. Nicholson, Environmental Sciences Laboratory, Mount Sinai School of Medicine, 1 Gustave L. Levy Place, New York, NY 10029.
Dr. I. Nisbet, Clement Associates, Inc., 1515 Wilson Blvd., Suite 700, Arlington, VA 22209.
Dr. Godfrey P. Oakley, Jr., Chief, Birth Defects Branch, Chronic Disease Division, Center for Environmental Health, Centers for Disease Control, 1600 Clifton Rd. NE., Atlanta, GA 30333.
Dr. Gunter Obe, Institut fur Genetik, Freie Universitat Berlin, Arnimallee 5-7, D-1000 *BERLIN 33*, Federal Republic of Germany.
Dr. Roy Patterson, Professor and Chairman, Department of Medicine Northwestern University Medical School, 303 E. Chicago Ave., Chicago, IL 60611.
Professor Jack Pepys, 34 Ferncroft Ave., Hampstead, London NW3 7PE, England.
Dr. Joseph Rodricks, Environ Corp., 1850 K St. NW., Suite 950, Washington, DC 20006.
Dr. Kenneth J. Rothman, Epidemiology Department, Harvard School of Public Health, 677 Huntington Ave., Boston, MA 02115.
Dr. Marc Schenker, Occupational and Environmental Health Unit, Department of Medicine, TB 136, University of California Davis, Davis, CA 95616.
Dr. Marvin A. Schneiderman, 6503 E. Halbert Rd., Bethesda, MD 20817.
Dr. Bernd Seifert, Director and Professor, Institute for Water Soil and Air Hygiene, Federal Health Office, Corrensplatz 1, D-1000 *BERLIN 33*, Federal Republic of Germany.
Dr. Anna Seppalainen, Institute of Occupational Health, Haartmaninkatu 1, SF-00290 Helsinki 29, Finland.
Dr. Jean Chen Shih, Institute for Toxicology, University of Southern California, John Stauffer Pharmaceutical Sciences Center, 1985 Zonal Ave., Los Angeles, CA 90033.
Dr. Robert Sielken, Jr., Institute of Statistics, Texas A&M University, College Station, TX 77843.
Dr. Ellen K. Silbergeld, Chief Scientist, Toxic Chemicals Program, Environmental Defense Fund, 1525 18th St., NW., Washington, DC 20036.
Dr. Michael Silverstein, Occupational Health Physician, United Auto Workers, 8000 East Jefferson, Detroit, MI 48214.
Dr. Ralph G. Smith, 24711 Tudor Lane, Franklin, MI 48025.
Dr. James A. Swenberg, Chemical Industry Institute of Toxicology, P.O. Box 12137, Research Triangle Park, NC 27709.
Dr. Thomas R. Tephly, The Toxicology Center, Department of Pharmacology, University of Iowa, Iowa City, IA 52242.
Dr. Benjamin F. Trump, Department of Pathology, University of Maryland, School of Medicine, Baltimore, MD 21201.
Dr. Andrew G. Ulsamer, Consumer Product Safety Commission, 5401 Westbard Ave., Bethesda, MD 20207.
Dr. Arthur C. Upton, Department of Environmental Medicine, New York University Medical Center, 550 First Ave., New York, NY 10016.
Dr. Phillip G. Watanabe, Director of Toxicology Research Laboratory, Dow Chemical U.S.A., 1803 Bldg., MidLand, MI 48640.
Dr. Jerrold M. Ward, NCI-FCRF, Bldg. 538, Frederick, MD 21701.
Dr. Sidney Weinhouse, Fels Research Institute, Temple University School of Medicine, 3420 N. Broad St., Philadelphia, PA 19140.
Dr. Rochelle Wolkowski-Tyl, Manager/Teratology, Bushy Run Research Center, RD 4 Mellon Rd., Export, PA 15632.
Mr. Mike Wright, United Steelworkers of America, Safety and Health Department, Rm. 901, Five Gateway Center, Pittsburgh, PA 15222.

Dated: August 3, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-21555 Filed 8-4-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0239]

Monsanto Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Monsanto Co. has filed a petition proposing a change in the food additive regulations to permit an increase in the use level limitation for certain polyamine-epichlorohydrin wet-strength resins in paper and paperboard.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3729) has been filed by Monsanto Co., 800 North Lindbergh Blvd., St. Louis, MO 63166, proposing that § 176.170 *Components of paper and*

paperboard in contact with aqueous and fatty foods (21 CFR 176.170) be amended by increasing the use level limitations for three currently regulated polyamine-epichlorohydrin wet-strength resins in paper and paperboard. The three wet-strength resins are (1) Polyamine-epichlorohydrin resin produced by the reaction of bis (hexamethylene) triamine and higher homologues with epichlorohydrin such that * * *; (2) polyamine-epichlorohydrin water soluble thermosetting resin prepared by reacting hexamethylenediamine with 1, 2-dichloroethane to form a prepolymer and further reacting this prepolymer with epichlorohydrin such that * * *; and (3) polyamine-epichlorohydrin water soluble thermosetting resin prepared by reacting hexamethylenediamine with 1,2-dichloroethane to form a prepolymer and further reacting this prepolymer with epichlorohydrin. This resin is then reacted with nitrilotris (methylene-phosphonic acid), pentasodium salt, such that * * *. All three resins are currently for use at levels not to exceed 1 percent by weight of dry paper and paperboard fibers.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: August 1, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-21554 Filed 8-8-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Arizona; Amendment of Wilderness Inventory Decisions

AGENCY: Office of the Secretary, Interior

ACTION: Amendment of Wilderness Inventory Decisions

SUMMARY: This notice designates 12 areas totaling 92,043 acres for wilderness consideration pursuant to Section 202 of the Federal Land Policy and Management Act of 1976 or for consideration for other forms of protective management. This notice also amends previous wilderness inventory decisions by the Bureau of Land Management for lands in Arizona, deleting all or part of 24 wilderness study areas. The total area deleted from wilderness study area status under Section 603 of the Act by this decision is 304,176 acres.

EFFECTIVE DATE: August 9, 1983

FOR FURTHER INFORMATION CONTACT: Arizona State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, telephone (602) 261-3873.

Amendment of Wilderness Inventory Decisions

This notice continues the action necessary with respect to Bureau of Land Management wilderness study areas in Arizona to bring the Bureau's wilderness review into compliance with recent decisions of the Interior Board of Land Appeals. This notice addresses Lands in the Bureau's Safford and Yuma Districts and in 5 planning units within the Phoenix District—Cerbat Black, Lower Gila South, Black Canyon, Middle Gila, and Silver Bell. (However, no changes are being made in wilderness study areas in the Middle Gila planning unit.) Previous action on this subject addressing lands in these districts was published in the **Federal Register** on December 30, 1982, (47 FR 58372) and on April 20, 1983 (48 FR 16975).

Section 1. Consideration for Protective Management

The 12 areas listed in Table 1, totaling 92,043 acres, have been designated for wilderness consideration pursuant to Section 202 of the Federal Land Policy and Management Act of 1976 or for consideration for other forms of protective management. These areas were formerly identified as wilderness study areas under Section 603 of the Act. They were either deleted from that category on December 30, 1982, or they are being deleted by Section 2, 3, and 4 of this decision. This notice reaffirms the designation of the Baboquivari Peak area for wilderness consideration, as previously announced on April 20, 1983 (48 FR 16975).

Section 2. Areas Under 5,000 Acres

The following area is deleted from wilderness study area status under Section 603 of the Federal Land Policy and Management Act of 1976, effective upon publication of this decision in the **Federal Register**; it was improperly identified as a wilderness study area under section 603. However, it is designated in Section 1 of this notice for wilderness consideration under Section 202 of the Act.

Wilderness Study Area Name: Baker Canyon
Number: AZ-040-070
Acreage: 4,812
County: Cochise

Section 3. Split-Estate Lands

A. "Split-estate" lands are lands where the Federal Government owns the surface but where the subsurface mineral estate is nonfederally owned. Split-estate lands were improperly identified for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976. That error is corrected by this decision.

B. In the following wilderness study area, the lands listed as "split estate" are deleted from wilderness study areas status, effective upon publication of this decision in the **Federal Register**. Those lands consist of one tract of split estate located within the wilderness study area. Only the indicated acreage of split estate is deleted from wilderness study; the remainder of the wilderness study area remains under wilderness study, and the boundary of the wilderness study area has not been changed. The deletion does not affect the Bureau of Land Management's proviously adopted conclusions as to the presence of wilderness characteristics.

Wilderness Study Area Name: East Clanton Hills
Number: AZ-020-129
Old Wilderness Study Area Acreage: 36,600
Split Estate Acres Deleted: 40
Revised Wilderness Study Area Acreage: 36,560
Counties: Yuma and Maricopa

C. The boundaries and acreages of the wilderness study areas listed in Table 2 are modified, effective upon publication of this decision in the **Federal Register**, to delete split-estate lands and certain other public lands. The deleted lands consist of: (1) Scattered tracts of split estate located within wilderness study areas, (2) tracts of split estate located on the periphery of wilderness study areas, and (3) tracts that are not split estate but are isolated from the main body of the wilderness study area by deletion of the split estate and no longer qualify for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976 because they are smaller than 5,000 acres. Only the indicated acrage is deleted from wilderness study. The remainder of the wilderness study area remains under wilderness study, and the boundary change does not affect the Bureau of Land Management's previously adopted conclusions as to the presence of

wilderness characteristics in the remaining wilderness study area.

D. In 8 wilderness study areas, deletion of the split estate affects the Bureau of Land Management's previously adopted conclusions as to the presence of wilderness characteristics in the remaining lands. The results of the re-inventory of these areas are presented below and are summarized in Table 3. The deletions described here take effect upon publication of this decision in the **Federal Register:**

(1) Burns Spring Wilderness Study Area

Number: AZ–020–010

Old Wilderness Study Area Acreage: 29,961

This wilderness study area is deleted in its entirety.

Within the Burns Spring wilderness study area are 9,600 acres of split estate. Deletion of the split estate creates a number of small, isolated parcels on non-split estate, each containing less than 5,000 acres and therefore not qualifying for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976; the total acreage of these isolated parcels is 9,681.

The remaining 10,680 acres were re-inventoried. The re-inventoried tract is in an essentially natural condition, but it does not offer outstanding opportunities for solitude or for primitive and unconfined recreation.

Accordingly, the following lands are deleted from wilderness study area status:

	Acres
Split estate	9,600
Isolated parcels smaller than 5,000 acres	9,681
Re-inventoried tract	10,680
Total	29,961

(2) Mount Nutt Wilderness Study Area

Number: AZ–020–024

Old Wilderness Study Area Acreage: 29,200

Within the Mount Nutt wilderness study area are 12,000 acres of split estate. Deletion of the split estate creates a number of small, isolated parcels of non-split estate, each containing less than 5,000 acres and therefore not qualifying for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976; the total acreage of these isolated parcels is 9,340.

The remaining 7,860 acres were re-inventoried. The re-inventoried tract is in an essentially natural condition, but it does not offer outstanding opportunities for solitude or for primitive and unconfined recreation.

Accordingly, the following lands are deleted from wilderness study area status:

	Acres
Split estate	12,000
Isolated parcels smaller than 5,000 acres	9,340
Re-inventoried tract	7,860
Total	29,200

(3) Warm Springs Wilderness Study Area

Number: AZ–020–028/029

Old Wilderness Study Area Acreage: 118,455

Within the Warm Springs wilderness study area are 70,500 acres of split estate. Deletion of the split estate creates a number of small, isolated parcels of non-split estate, each containing less than 5,000 acres and therefore not qualifying for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976; the total acreage of these isolated parcels is 31,215.

The remaining lands consist of 2 noncontiguous tracts, totaling 16,740 acres, which were re-inventoried. To the west is Tract A, containing 10,980 acres. Tract A is in an essentially natural condition, but it does not offer outstanding opportunities for solitude or for primitive and unconfined recreation.

To the north is Tract B, containing 5,760 acres. Tract B is in an essentially natural condition, but it does not offer outstanding opportunities for solitude or for primitive and unconfined recreation.

Acordingly, the following lands are deleted from wilderness study area status:

	Acres
Split estate	70,500
Isolated parcels smaller than 5,000 acres	31,215
Tract A	10,980
Tract B	5,760
Total	118,455

(4) Sierra Estrella Wilderness Study Area

Number: AZ–020–160

Old Wilderness Study Area Acreage: 14,190

This wilderness study area is deleted in its entirety.

Within the Sierra Estrella wilderness study area are 790 acres of split estate. Deletion of the split estate leaves 2 noncontiguous tracts.

Tract A, to the north, contains 9,200 acres and was re-inventoried. This tract is in an essentially natural condition, but it does not offer outstanding opportunities for solitude or for primitive and unconfined recreation.

Tract B, to the south, contains 4,200 acres and therefore does not qualify for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976.

Accordingly, the following lands are deleted from wilderness study area status:

	Acres
Split estate	790
Tract A	9,200
Tract B	4,200
Total	14,190

(5) Crossman Peak Wilderness Study Area

Number: AZ–050–007B

Old Wilderness Study Area Acreage: 37,760

Revised Wilderness Study Area Acreage: 22,915

Within the Crossman Peak wilderness study area are 11,565 acres of split estate. Deletion of the split estate creates a number of small, isolated parcels of non-split estate, each containing less than 5,000 acres and therefore not qualifying for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976; the total acreage of these isolated parcels is 3,280.

The remaining 22,915 acres were re-inventoried. The re-inventoried tract is in an essentially natural condition and offers outstanding opportunities for solitude and for primitive and unconfined recreation. Accordingly, this tract is retained as a wildnerness study area under Section 603 of the Federal Land Policy and Management Act of 1976.

The following lands are deleted from wilderness study area status:

	Acres
Split estate	11,565
Isolated parcels smaller than 5,000 acres	3,280
Total	14,845

(6) Gibraltar Mountain Wilderness Study Area

Number: AZ–050–012

Old Wilderness Study Area Acreage: 24,925

Revised Wilderness Study Area Acreage: 7,805

Within the Gibraltar Mountain wilderness study area are 9,090 acres of split estate. Deletion of the split estate creates a number of small, isolated parcels of non-split estate, each containing less than 5,000 acres and

therefore not qualifying for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976; the total acreage of these isolated parcels is 8,030.

The remaining 7,805 acres were re-inventoried. The re-inventoried tract is in an essentially natural condition, and it offers outstanding opportunities for solitude and for primitive and unconfined recreation. Accordingly, this tract is retained as a wilderness study area under Section 603 of the Federal Land Policy and Management Act of 1976.

The following lands are deleted from wilderness study area status:

	Acres
Split estate	39,090
Isolated parcels smaller than 5,000 acres	8,030
Total	17,120

(7) Planet Peak Wilderness Study Area

Number: AZ-050-013

Old Wilderness Study Area Acreage: 17,645

This wilderness study area is deleted in its entirety.

Within the Planet Peak wilderness study area are 4,265 acres of split estate. Deletion of the split estate creates a number of small, isolated parcels of non-split estate, each containing less than 5,000 acres and therefore not qualifying for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976; the total acreage of these isolated parcels is 2,225.

The remaining 11,155 acres were re-inventoried. The re-inventoried tract is in an essentially natural condition, but it does not offer outstanding opportunities for solitude and for primitive and unconfined recreation.

Accordingly, the following lands are deleted from wilderness study area status:

	Acres
Split estate	4,265
Isolated parcels smaller than 5,000 acres	2,225
Re-inventoried tract	11,155
Total	17,645

(8) Swansea Wilderness Study Area

Number: AZ-050-015A

Old Wilderness Study Area Acreage: 41,690

Revised Wildness Study Area Acreage: 19,370

Within the Swansea wilderness study area are 12,525 acres of split estate. Deletion of the split estate creates a number of small, isolated parcels of non-split estate, each containing less than 5,000 acres and therefore not qualifying for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976; the total acreage of these isolated parcels is 9,795.

The remaining 19,370 acres were re-inventoried. The re-inventoried tract is in an essentially natural condition, and it offers outstanding opportunities for solitude and for primitive and unconfined recreation. Accordingly, this tract is retained as a wilderness study area under Section 603 of the Federal Land Policy and Management Act of 1976.

The following lands are deleted from wilderness study area status:

	Acres
Split estate	12,525
Isolated parcels smaller than 5,000 acres	9,795
Total	22,320

Section 4. Contiguous Areas

The areas listed in Table 4 are deleted from wilderness study area status, effective upon publication of this decision in the **Federal Register.** These are lands that were improperly identified for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976. These areas were found not to have wilderness characteristics by themselves.

Section 5. Management of Deleted Lands

The decision in this **Federal Register** notice addresses only lands in the Bureau of Land Management's Safford and Yuma Districts and in 5 planning units within the Phoenix District—Cerbat Black, Lower Gila South, Black Canyon, Middle Gila, and Silver Bell. All lands within those areas just cited which are deleted from wilderness study status by this decision in Sections 2, 3 and 4 above and by the decision issued on December 30, 1982 (47 FR 58372) and not designated for further wilderness consideration in Table 1 of this notice are hereby released from management restrictions to protect their wilderness suitability. Of these lands, 74,726 acres are being considered for designation as areas of critical environmental concern, natural areas, natural lands, or outstanding natural areas and will be managed to protect the identified natural values. The remaining 396,965 acres will be managed for the full range of multiple uses other than wilderness and in conformance with existing land use plans and regulations for those areas.

This is a final decision of the Department of the Interior and is not subject to appeal under 43 CFR Part 4.

Garrey E. Carruthers,

Assistant Secretary.

August 3, 1983.

TABLE 1.—AREAS BEING CONSIDERED FOR PROTECTIVE MANAGEMENT

Area Name	Number	Acreage	County	Category[1]
Mount Tipton	AZ-020-012/042	19,550	Mohave	NA, NL
Mount Nutt	AZ-020-024	29,200	Mohave	Do.
Baboquivari Peak	AZ-020-293B	2,065	Pima	Wilderness.
Baker Canyon	AZ-040-070	4,812	Cochise	Do.
Black Rock	AZ-040-008	545	Graham	ONA
Happy Camp Canyon	AZ-040-065	496	Cochise	Do.
Galiuro Addition #3	AZ-040-081	640	Graham	Wilderness.
Gibraltar Mountain	AZ-050-012	17,120	La Paz	ACEC, NA, NL
Swansea (Banded Canyon tract)	AZ-050-015A	7,815	La Paz/Mohave	Do.
Trigo Mountains	AZ-050-023A	4,500	La Paz	Wilderness, ACEC
Kofa Unit 3 South	AZ-050-031	3,400	Yuma	Do.
Kofa Unit 4 North	AZ-050-033	1,900	Yuma	Do.
Total (12 areas)		92,043		

[1] In this table the following abbreviations are used: Wilderness means wilderness consideration under Section 202 of the Federal Land Policy and Management Act of 1976; ACEC means consideration for areas of critical environmental concern; NA means consideration for natural areas; NL means consideration for natural lands; and ONA means consideration for outstanding natural areas.

TABLE 2.—MODIFIED WILDERNESS STUDY AREAS—BOUNDARY CHANGED TO DELETE SPLIT ESTATE

Wilderness study area name	Number	Old wilderness study area acreage	Acres split estate	Acres non-split estate deleted	Revised wilderness study area acreage	County
New Water Mountains	AZ-020-125	40,600	225	0	40,375	La Paz.
Little Horn Mountains West	AZ-020-126A	13,800	1,140	0	12,660	La Paz/Yuma.
Little Horn Mountains	AZ-020-127	91,930	1,500	0	90,430	Do.
Eagletail Mountains	AZ-020-128	120,925	2,660	0	118,265	La Paz/Maricopa/Yuma
Signal Mountain	AZ-020-138	20,920	1,280	0	19,640	Maricopa
North Maricopa Mountains	AZ-020-157	75,483	4,830	185	70,468	Do.
South Maricopa Mountains	AZ-020-163	72,004	684	0	71,320	Do.
Table Top Mountain	AZ-020-172	39,823	1,855	0	37,968	Maricopa/Pinal
Black Rock	AZ-040-006	8,492	545	0	7,947	Graham
Javelina Peak	AZ-040-048	17,870	1,650	160	16,060	
Peloncillo Mountains	AZ-040-060	12,317	760	258	11,299	Cochise/Graham/Greenlee/Hidalgo, NM
Happy Camp Canyon	AZ-040-065	16,761	576	360	15,825	Cochise
Total (12 areas)			17,705	963		

TABLE 3.—DELETED OR MODIFIED WILDERNESS STUDY AREAS—RESULTS OF REINVENTORY

Wilderness study area name	Number	Old wilderness study area acreage	Acres split estate	Acres nonsplit estate deleted	Reinventoried acres deleted	Revised wilderness study area acreage	County
Burro Spring	AZ-020-010	29,961	9,600	9,681	10,680	0	Mohave.
Mount Nutt	AZ-020-024	29,200	12,000	9,340	7,860	0	Do.
Warm Springs	AZ-020-028/029	118,455	70,500	31,215	16,740	0	Do.
Sierra Estrella	AZ-020-160	14,190	790	4,200	9,200	0	Maricopa.
Crossman Peak	AZ-050-007B	37,760	11,565	3,280	0	22,915	Mohave.
Gibraltar Mountain	AZ-050-012	24,925	9,090	8,030	0	7,805	La Paz.
Planet Peak	AZ-050-013	17,645	4,285	2,225	11,155	0	Do.
Swansea	AZ-050-015A	41,690	12,525	9,795	0	19,370	LaPaz/Mohave.
Total (8 areas)			130,335	77,766	55,635		

TABLE 4.—DELETED WILDERNESS STUDY AREAS—CONTIGUOUS AREAS WITHOUT WILDERNESS CHARACTERISTICS

Wilderness study area name	Number	Wilderness study area acreage	County
Mockingbird	AZ-020-008	5,700	Mohave.
Kofa Unit 4 South.	AZ-050-034	11,220	Yuma.
Total (2 areas).		16,920	

[FR Doc. 83-21548 Filed 8-8-83; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Amendment of Wilderness Inventory Decisions

AGENCY: Office of the Secretary, Interior.

ACTION: Amendment of Wilderness Inventory Decisions.

SUMMARY: This notice designates 3 areas totaling 55,450 acres for wilderness consideration pursuant to Section 202 of the Federal Land Policy and Management Act of 1976 or for consideration for other forms of protective management. This notice also amends previous wilderness inventory decisions by the Bureau of Land Management for lands in Arizona, deleting parts of 9 wilderness study areas. The total area deleted from wilderness study area status under Section 603 of the Act by this decision is 47,840 acres.

EFFECTIVE DATE: August 9, 1983.

FOR FURTHER INFORMATION CONTACT: Arizona State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, telephone (602) 261-3873.

Amendment of Wilderness Inventory Decisions

This notice continues the action necessary with respect to Bureau of Land Management wilderness study areas in Arizona to bring the Bureau's wilderness review into compliance with recent decisions of the Interior Board of Land Appeals. This notice addresses lands in 2 planning units within the Bureau's Phoenix District—Hualapai-Aquarius and Lower Gila North. Previous action on this subject addressing lands in these 2 planning units was published in the **Federal Register** on December 30, 1982 (47 FR 58372).

Section 1. Consideration for Protective Management

The 3 areas listed in Table 1, totaling 55,450 acres, have been designated for wilderness consideration pursuant to Section 202 of the Federal Land Policy and Management Act of 1976 or for consideration for other forms of protective management. These areas were formerly identified as wilderness study areas under Section 603 of the Act. They were deleted from that category on December 30, 1982.

Section 2. Split-Estate Lands

A. "Split-estate" lands are lands where the Federal Government owns the surface but where the subsurface mineral estate is nonfederally owned. Split-estate lands were improperly identified for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976. That error is corrected by this decision.

B. The boundaries and acreage of the wilderness study areas listed in Table 2 are modified, effective upon publication of this decision in the **Federal Register**, to delete split-estate lands and certain other public lands. The deleted lands consist of: (1) scattered tracts of split estate located within wilderness study areas, (2) tracts of split estate located on the periphery of wilderness study areas, and (3) tracts that are not split estate but are isolated from the main body of the wilderness study area by deletion of

the split estate and no longer qualify for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976 because they are smaller than 5,000 acres. Only the indicated acreage is deleted from wilderness study. The remainder of the wilderness study area remains under wilderness study, and the boundary change does not affect the Bureau of Land Management's previously adopted conclusions as to the presence of wilderness characteristics in the remaining wilderness study area.

C. In 2 wilderness study areas, deletion of the split estate affects the Bureau of Land Management's previously adopted conclusions as to the presence of wilderness characteristics in the remaining lands. The results of the re-inventory of these areas are presented below and are summarized in Table 3. The deletions described here take effect upon publication of this decision in the **Federal Register.**

(1) Arrastra Mountain wilderness study area

Number: AZ-020-059
Old Wilderness Study Area Acreage: 113,650
Revised Wilderness Study Area Acreage: 92,700

Within the Arastra Mountain wilderness study area are 10,400 acres of split estate. Deletion of the split estate creates a number of small, isolated parcels of non-split estate, each containing less than 5,000 acres and therefore not qualifying for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976; the total acreage of these isolated parcels is 10,550.

The remaining 92,700 acres were re-inventoried. The re-inventoried tract is in an essentially natural condition and has outstanding opportunities for solitude and for primitive and unconfined recreation. Accordingly, this tract is retained as a wilderness study area under Section 603 of the Federal Land Policy and Management Act of 1976.

The following lands are deleted from wilderness study area status:

	Acres
Split estate	10,400
Isolated parcels smaller than 5,000 acres	10,550
Total	20,950

(2) Upper Burro Creek wilderness study area

Number: AZ-020-062
Old Wilderness Study Area Acreage: 27,390
Revise Wilderness Study Area Acreage: 17,010

Within the Upper Burro Creek wilderness study area are 5,680 acres of split estate. Deletion of the split estate creates a number of small, isolated parcels of non-split estate, each containing less than 5,000 acres and therefore not qualifying for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976; the total acreage of these isolated parcels is 4,700.

The remaining 17,010 acres were re-inventoried. The re-inventoried tract is in an essentially natural condition. It has excellent, but not outstanding, opportunities for solitude, and it has outstanding opportunities for primitive and unconfined recreation. Accordingly, this tract is retained as a wilderness study area under Section 603 of the Federal Land Policy and Management Act of 1976.

The following lands are deleted from wilderness study area status:

	Acres
Split estate	5,680
Isolated parcels smaller than 5,000 acres	4,700
Total	10,380

Section 3. Management of Deleted Lands

The decision in this **Federal Register** notice addresses only lands in 2 planning units within the Bureau of Land Management's Phoenix District—Hualapai-Aquarius and Lower Gila North. All lands within those areas just cited which are deleted from wilderness study status by this decision in Section 2 and by the decision issued on December 30, 1982, (47 FR 58372) and not designated for further wilderness consideration in Table 1 of this notice are hereby released from management restrictions to protect their wilderness suitability. Of these lands, 51,970 acres are being considered for designation as areas of critical environmental concern, natural areas, or special management areas and will be managed to protect the identified natural values. The remaining 77,615 acres will be managed for the full range of multiple uses other than wilderness and in conformance with existing land use plans and regulations for those areas.

This is a final decision of the Department of the Interior and is not subject to appeal under 43 CFR Part 4.

August 3, 1983.

Garrey E. Carruthers,

Assistant Secretary.

TABLE 1.—AREAS BEING CONSIDERED FOR PROTECTIVE MANAGEMENT

Area name	Number	Acreage	County	Category [1]
Wabayuma Peak	AZ-020-037/043	36,730	Mohave	ACEC, NA, SMA
Aubrey Peak	AZ-020-054	15,240	Mohave	Do.
Peoples Canyon	AZ-020-068	3,480	Yavapai	Wilderness.
Total (3 areas)		55,450		

[1] In this table the following abbreviations are used: Wilderness means wilderness consideration under Section 202 of the Federal Land Policy and Management Act of 1976; ACEC means consideration for areas of critical environmental concern; NA means consideration for natural areas; and SMA means consideration for special management areas.

TABLE. 2.—MODIFIED WILDERNESS STUDY AREAS—BOUNDARY CHANGED TO DELETE SPLIT ESTATE

Wilderness study area name	Number	Old wilderness study area acreage	Acres split estate	Acres non-split estate deleted	Revised wilderness study area acreage	County
Rawhide Mountains	AZ-020-058A	62,300	6,360	620	55,320	La Paz/Mohave.
Lower Burro Creek	AZ-020-060	22,300	640	0	21,660	Mohave.
Harcuvar Mountains	AZ-020-075	74,778	5,540	20	69,218	La Paz/Yavapai.
Harquahala Mountains	AZ-020-095	73,875	1,200	0	72,675	La Paz/Maricopa.
Big Horn Mountains	AZ-020-099	22,337	1,100	0	21,237	Maricopa.
Hummingbird Springs	AZ-020-100	67,680	1,000	0	66,680	Do.
Tres Alamos	AZ-020-205	8,910	30	0	8,880	Yavapai.

TABLE. 2.—MODIFIED WILDERNESS STUDY AREAS—BOUNDARY CHANGED TO DELETE SPLIT ESTATE—Continued

Wilderness study area name	Number	Old wilderness study area acreage	Acres split estate	Acres non-split estate deleted	Revised wilderness study area acreage	County
Total (7 areas)			15,870	640		

TABLE 3.—MODIFIED WILDERNESS STUDY AREAS—RESULTS OF REINVENTORY

Wilderness study area name	Number	Old wilderness study area acreage	Acres split estate	Acres non split estate deleted	reinventoried acres deleted	Revised wilderness study area acreage	County
Arastra Mountain	AZ-020-059	113,650	10,400	10,550	0	92,700	Mohave/ Yavapai
Upper Burro Creek	AZ-020-062	27,390	5,660	4,700	0	17,010	Do.
Total (2 areas)			16,060	15,250			

[FR Doc. 83-21549 Filed 8-8-83; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Amendment of Wilderness Inventory Decisions

AGENCY: Office of the Secretary, Interior.

ACTION: Amendment of Wilderness Inventory Decisions.

SUMMARY: This notice amends previous wilderness inventory decisions by the Bureau of Land Management for lands in Arizona, deleting all or part of 15 wilderness study areas. The total area deleted from wilderness study area status under Section 603 of the Federal Land Policy and Management Act of 1976 is 42,098 acres.

EFFECTIVE DATE: August 9, 1983.

FOR FURTHER INFORMATION CONTACT: Arizona State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, telephone (602) 261-3873.

Amendment of Wilderness Inventory Decisions

This notice completes the action necessary with respect to Bureau of Land Management wilderness study areas in Arizona to bring the Bureau's wilderness review into compliance with recent decisions of the Interior Board of Land Appeals. This notice addresses lands within the Bureau's Arizona Strip District. Previous action on this subject addressing lands in the Arizona Strip District was published in the **Federal Register** on December 30, 1982 (47 FR 58372).

Section 1. Split-Estate Lands

A. "Split-estate" lands are lands where the Federal Government owns the surface but where the subsurface mineral estate is nonfederally owned. Split-estate lands were improperly identified for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976. That error is corrected by this decision.

B. With the deletion of split-estate lands from the following wilderness study area, there is no roadless area having 5,000 acres or more of contiguous public lands. Therefore, this area is deleted in its entirety from wilderness study area status, effective upon publication of this decision in the **Federal Register.**

Wilderness Study Area Name: Salt House

Number: AZ-010-104A

Acreage: 13,465

County: Mohave

C. The lands listed as "split estate" in Table 1 are deleted from wilderness study area status, effective upon publication of this decision in the **Federal Register.** These are scattered tracts located within the listed wilderness study areas. Only the indicated acreage of split-estate land is deleted from wilderness study; the remainder of the wilderness study area remains under wilderness study, and the boundary of the wilderness study area has not been changed. The deletions do not affect the Bureau of Land Management's previously adopted conclusions as to the presence of wilderness characteristics.

D. The boundaries and acreages of the wilderness study areas listed in Table 2 are modified, effective upon publication of this decision in the **Federal Register,** to delete split-estate lands and certain other public lands. The deleted lands consist of: (1) scattered tracts of split estate located within wilderness study areas; (2) tracts of split estate located on the periphery of wilderness study areas, and (3) tracts that are not split estate but are isolated from the main body of the wilderness study area by deletion of the split estate and no longer qualify for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976 because they are smaller than 5,000 acres. Only the indicated acreage is deleted from wilderness study. The remainder of the wilderness study area remains under wilderness study, and the deletions do not affect the Bureau of Land Management's previously adopted conclusions as to the presence of wilderness characteristics in the remaining wilderness study area.

Section 2. Contiguous Areas

The following area is deleted from wilderness study area status, effective upon publication of this decision in the **Federal Register.** This is an area that was improperly identified for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976. It was found not to have wilderness characteristics by itself.

Wilderness Study Area Name: Grand Gulch

Number: AZ-010-107

Acreage: 8,141

County: Mohave

Section 3. Management of Deleted Lands

This decision in this **Federal Register** notice addresses only lands within the Bureau of Land Management's Arizona Strip District. All lands within the Arizona Strip District which are deleted from wilderness study status by this decision in Sections 1 and 2 above and by the decision issued on December 30, 1982, (47 FR 58372) are hereby released from management restrictions to protect their wilderness suitability. These released lands, totaling 45,747 acres, will be managed for the full range of multiple uses other than wilderness and in conformance with existing land use plans and regulations for those areas.

This is a final decision of the Department of the Interior and is not subject to appeal under 43 CFR Part 4.

August 3, 1983.

Garrey E. Carruthers,

Assistant Secretary.

TABLE 1.—MODIFIED WILDERNESS STUDY AREAS—SPLIT ESTATE DELETED

Wilderness study area name	Number	Old wilderness study area acreage	Acres split estate	Revised wilderness study area acreage	County
Grand Wash Cliffs	AZ-010-112	31,503	80	31,423	Mohave.
Hidden Rim	AZ-010-119	16,563	40	16,523	Do.
Total (2 areas)			120		

TABLE 2.—MODIFIED WILDERNESS STUDY AREAS—BOUNDARY CHANGED TO DELETE SPLIT ESTATE

Wilderness study area name	Number	Old wilderness study area acreage	Acres split estate	Acres nonsplit estate deleted	Revised wilderness study area acreage	County
Starvation Point	AZ-010-005/UT-040-057	27,212	1,710	0	25,502	Coconino/Washington.
Paria Plateau	AZ-010-008A/19	124,428	1,000	0	123,428	Coconino.
Kanab Creek	AZ-010-031	39,242	480	0	38,762	Do.
Poverty Mountain	AZ-010-091	7,872	120	0	7,752	Mohave.
Andrus Canyon	AZ-010-096D	48,248	280	0	47,968	Do.
North Dellenbaugh	AZ-010-097	10,678	1,280	0	9,398	Do.
Mustang Point	AZ-010-104B	25,912	4,920	8,062	12,930	Do.
Snap Point	AZ-010-105B	9,500	120	0	9,380	Do.
Sand Cove	AZ-010-128	40,061	1,000	0	39,061	Do.
Virgin Mountains	AZ-010-129	37,681	400	0	37,281	Do.
Lime Hills	AZ-010-134	12,850	1,000	0	11,850	Do.
Total (11 areas)			12,310	8,062		

[FR Doc. 83-21550 Filed 8-8-83; 8:45 am]

BILLING CODE 4310-84-M

California, Notice of Boundary Change East Mojave National Scenic Area

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of Boundary Change.

SUMMARY: Notice is hereby given that the Bureau of Land Management has revised the boundaries of the East Mojave National Scenic Area (see figure 1).

EFFECTIVE DATE: August 9, 1983.

FOR FURTHER INFORMATION CONTACT: Gerald E. Hillier, District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507, telephone (714) 351-6386.

SUPPLEMENTARY INFORMATION: The East Mojave National Scenic Area was designated on January 13, 1981, (46 FR 3994) to provide recognition for the rich diversity of natural, scenic, and cultural values and human use in the eastern Mojave region of the California Desert Conservation Area. The Scenic Area has since been managed in accordance with the California Desert Plan, of which its establishment was a part, and a Management Philosophy adopted August 1, 1981 (48 FR 41197).

The plan, which provides management guidance for the California Desert Conservation Area, is subject to an annual plan amendment review, subject to the provisions outlined in the plan and in 43 CFR 1601. The second (1982) review, completed in May 1983, considered a modification of the boundary of the Scenic Area as one of 49 amendment proposals. The amendment was necessary to alleviate potential conflict between Scenic Area management and operation of the Molycorp's Mountain Pass rare earths mining operation and the proposed "Cal Coal" power plant site. The amendment, which removes approximately 47,000 acres of public land from the 1.4 million acre Scenic Area, was approved on May 17, 1983, following public review of an Environmental Impact Statement prepared for the 1982 Amendments.

Therefore, pursuant to the authority in Section 601 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1781) and 43 CFR 2070, the boundary of those public lands administered by the Bureau of Land Management and described in the California Desert Conservation Area Plan as the East Mojave National Scenic Area is hereby modified effective upon date of publication. Figure 1 presents the revised boundary; a specific legal description can be obtained from the California Desert District Office (see above).

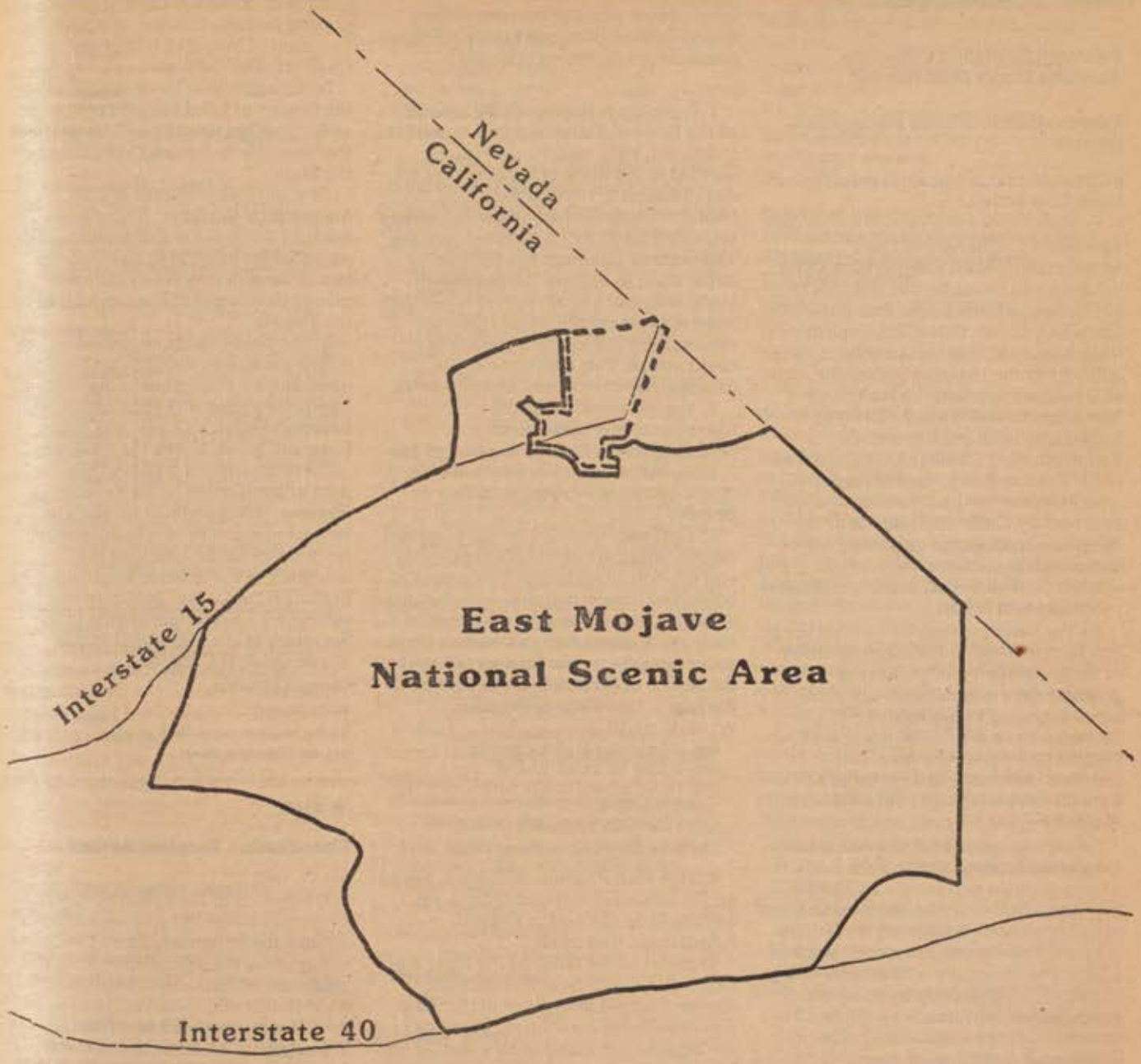
This is a final decision of the Department of the Interior and is not subject to appeal under 43 CFR Part 4.

Garrey E. Carruthers,

Assistant Secretary.

August 3, 1983.

BILLING CODE 4310-84-M



Revised Scenic Area Boundary
Excluded From Scenic Area

[FR Doc. 83-21547 Filed 8-8-83; 8:45 am]
BILLING CODE 4310-84-C

Bureau of Land Management

Agency Information Collection Activities Under OMB Review

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of use and acceptance of lease form 3110–1.

SUMMARY: The Bureau of Land Management (BLM) Form 3110–1, Offer to Lease and Lease for Oil and Gas (Sec. 17 Noncompetitive Public Domain Lease), OMB No. 1004–0008; Expiration Date August 8, 1983 is currently undergoing the required review for renewal and approval by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). The expiration date of August 8, 1983, refers to the prior review and approval by OMB with respect to the information collection requirements contained on the form required of offerors for Federal oil and gas leases on public domain lands.

As the basic purpose and substance of this form as used in the administration of the Federal oil and gas leasing program have not changed, the public is hereby notified that effective immediately, while the renewal with OMB is in progress the form will continue to be accepted by the BLM from offerors wishing to obtain a benefit of a lease.

Public interest is best served, when no substantive changes have been made to a form, through acceptance by BLM of the form whether or not the most current expiration date is indicated. To require the public to dispose of existing stock of a form and to acquire a new stock solely to reflect a changed expiration date would be burdensome, counterproductive, and costly. The public will be notified of any substantive changes in such forms that would affect their acceptability to BLM.

EFFECTIVE DATE: August 8, 1983.

FOR FURTHER INFORMATION CONTACT: Lois E. Mason, Division of Fluid Mineral Leasing (620), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240, Telehpone (202) 343–7753.

Dated: August 4, 1983.

James M. Parker,
Acting Director.

[FR Doc. 83-21587 Filed 8-8-83; 8:45 am]
BILLING CODE 4310-84-M

[C-35774]

Classification of Public Lands for State Indemnity Selection; Colorado

August 1, 1983.

1. Pursuant to Sections 2275 and 2276 of the Revised Statutes, as amended (43 U.S.C. 851, 852), and the provisions granted to the State of Colorado by the Act of March 3, 1875 (18 Stat. 475), the public lands described below are hereby classified for State Indemnity Selection. The State of Colorado has filed an application to acquire the described lands in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. This application was assigned serial number Colorado 35774.

2. The Notice of Proposed Classification of these lands was published in the **Federal Register** of July 7, 1982, Vol. 47, No. 130, pages 29607–29609. The land is being classified as proposed.

3. The lands included in this proposed classification are in Rio Blanco County and are described below. The names of holders of leases, permits, and/or rights-of-way, and the identifying number of each use authorization, as well as other encumbrances on the land were listed in the Notice of Proposed Classification in the July 7, 1982 **Federal Register.**

T. 1 N., R. 102 W.,
Sec. 2, Lots 17, 18, 19, 20, and 21;
Sec. 3, Lots 10, 11, 12, and 13;
Sec. 10, Lots 1 and 2, NW¼NE¼, NW¼, and S½NE¼;
Sec. 11, Lots 1, 2, 3, 4, and S½N½.
The area described contains 750.94 acres.

4. This classification decision is based on the following disposal criteria set forth in Title 43 Code of Federal Regulations, Part 2400.

Transfer of the lands to the State will help fulfill the Federal Government's common school land grant to the State, and constitutes a public purpose use of the land. Lands found to be valuable for a public purpose use will be considered chiefly valuable for public purposes (43 CFR 2430.2b).

5. Rights-of-way granted by the Bureau of Land Management on the above lands will transfer with the land. Oil and gas will be reserved to the United States and any clearlist issued to the State of Colorado will reserve the right of ingress and egress to the lands for the purpose of construction and maintenance of roads, pipelines, drillsites, and other surface installations. Oil and gas leases will remain in effect under the terms and conditions of the lease. State law and Board of Land Commissioners procedures provide for the offering to holders of Bureau of Land Management grazing permits, licenses or leases the first right to lease lands that are transferred to the state.

In the event thse lands are clearlisted, the Bureau of Land Management authorized grazing use will terminate at the time title to the land is transferred to the State.

Any cultural resources will be managed by the State. A study has been made of the areas which indicates little potential for mineral exploration for locatable minerals. No evidence of mining development has been found on the ground.

6. The public lands classified by this notice are shown on maps on file and available for inspection in the Bureau of Land Management District Office, 455 Emerson Street, P.O. Box 248, Craig, Colorado 81626, Phone (303) 824–8261.

7. For a period of 30 days from the date of publication in the **Federal Register**, this classification shall be subject to exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3 and 2462.3. Interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

George C. Francis,
State Director.

[FR Doc. 83-21649 Filed 8-8-83; 8:45 am]
BILLING CODE 4310-84-M

[N-2345]

Classification Vacated; Nevada

July 22, 1983.

1. Pursuant to the authority delegated by Bureau Order 701 and amendments thereto, the Bureau of Land Management multiple use classification N–2345 was published in the **Federal Register** on July 30, 1970 (FR Doc 70–9842). Pursuant to the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411–18) and the 43 CFR Part 2460 regulations, this action classified approximately 585,713 acres of public land in Lyon County, Nevada, for multiple use management. The land was segregated from appropriation under the agricultural land laws and sales under R.S. 2455. One area was further segregated from all forms of appropriation including the mining laws, but not the Recreation and Public Purposes Act (44 Stat. 741) as amended, nor the mineral leasing and material sale laws.

2. Pursuant to 43 CFR 2461.5(c)(2), the classification is hereby vacated with the exception of the following described area known as Wilson Canyon:

Mount Diablo Meridian, Nevada

T. 11 N., R. 25 E.,
Sec. 8, SE¼SE¼;
Sec. 17, NE¼NE¼, S½NE¼, NW¼SE¼, SW¼;
Sec. 18, S½S½;
Sec. 19, N½N½.

The area described above comprises approximately 680 acres.

This area has high potential recreational value and will remain classified for a period of 5 years from the date of this publication at which time the classification will again be reviewed.

3. At 9:00 a.m. on September 8, 1983, all the land except that described in paragraph 2 above is hereby open to the operation of the agricultural land laws, subject to valid existing rights. All valid applications received prior to or at 9:00 a.m. on September 8, 1983 will be considered as simultaneously filed. All other applications received will be considered in the order of filing.

4. All the land described in the original classification remains open to the mineral leasing laws and material sale laws.

Inquiries concerning this land should be addressed to the Deputy State Director, Operations, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 83-21658 Filed 8-8-83; 8:45 am]

BILLING CODE 4310-84-M

[N-1885A and N-2345A]

Classification Vacated; Nevada

July 28, 1983.

1. Pursuant to the authority delegated by Bureau Order 701 and amendments thereto, the Bureau of Land Management multiple use classification N-1885A/N-2345A was published in the **Federal Register** on December 15, 1970 (FR Doc. 70-16783). Pursuant to the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411-18) and the 43 CFR part 2460 regulations, this action classified approximately 213 acres of public land in Lyon and Douglas Counties, Nevada, for multiple use management. The land was segregated from all appropriation under the public land laws including the mining laws, but not the Recreation and Public Purpose Act (44 Stat. 741) as amended, nor the mineral leasing and material sale laws.

2. Pursuant to 43 CFR 2461.5(c)(2), the classification is hereby vacated:

Mount Diablo Meridian, Nevada

T. 14 N., R. 22 E.,
Secs. 11, 12, 13, 14, that portion which encompasses the Margaret Morella, Baby Ruth, Snow Bog, Homestead, Hallie, Porcupine, Myrtle, Sunrise and Baltimore Fraction No. 1 Mining Claims;
Sec. 12, SW¼NW¼.

The area described above comprises approximately 213 acres.

3. At 9:00 a.m. on September 8, 1983, all the land except that described in paragraph 2 above is hereby open to the operation of the public land laws, subject to valid existing rights. All valid applications received prior to or at 9:00 a.m. on September 8, 1983, will be considered as simultaneously filed. All other applications received will be considered in the order of filing.

4. At 9:00 a.m. on September 8, 1983, the land will also be open to the operation of the mining laws:

Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal laws. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

5. The land remains open to the mineral leasing laws and material sale laws.

Inquiries concerning this land should be addressed to the Deputy State Director Operations, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 83-21659 Filed 8-8-83; 8:45 am]

BILLING CODE 4310-84-M

[M 56543]

Conveyance of Public Lands; Montana

August 2, 1983.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Conveyance of Public Lands in Prairie County, Montana.

SUMMARY: Notice is hereby given that pursuant to Section 203 of the Act of October 21, 1976 (43 U.S.C. 1701, 1713 (1976)), the following described land was conveyed to George S. Nagle:

Principal Meridian, Montana

T. 16 N., R. 49 E.,
Sec. 4, SW¼NW¼
Containing 40 acres.

The purpose of this notice is to inform State and local governmental officials and other interested parties of the conveyance of the land to Mr. Nagle.

Edgar D. Stark,

Chief, Land Adjudication Section.

[FR Doc. 83-21648 Filed 8-8-83; 8:45 am]

BILLING CODE 4310-84-M

Draft Central California Study Areas; Wilderness Environmental Impact Statement; Extension of Public Comment Period

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of 30-Day Extension of Public Comment Period.

SUMMARY: Notice of availability of the draft Environmental Impact Statement and the beginning of a 60-day public comment period was given in the **Federal Register** on June 4, 1982 (47 FR 24450). In accordance with the new Bureau of Land Management Planning Regulations, published in the **Federal Register** on May 5, 1983 (48 FR 20364), the public comment period for the draft Central California Study Areas Wilderness Environmental Impact Statement is being extended an additional 30 days to comply with the 90-day review requirement.

Copies of the draft Central California Study Areas Wilderness Environmental Impact Statement are available for review at the following locations:

California State Office, Bureau of Land Management, 2800 Cottage Way, Room E-2841, Sacramento, California 95825

Bakersfield District Office, Bureau of Land Management, 800 Truxtun Avenue, Room 302, Bakersfield, California 93301

Caliente Resource Area Office, Bureau of Land Management, 520 Butte Street, Bakersfield, California 93305

Folsom Resource Area Office, Bureau of Land Management, 63 Natoma, Folsom, California 95630

Hollister Resource Area Office, Bureau of Land Management, 402 Hill Street, Hollister, California 95023

DATE: Written comments on the draft Environmental Impact Statement and the wilderness suitability and nonsuitability recommendations must be received by September 12, 1983, in order to receive consideration along with all previously submitted comments, in the Final EIS.

ADDRESS: Written comments should be sent to: District Manager, Bureau of Land Management, 800 Truxtun Avenue, Room 302, Bakersfield, California 93301.

FOR FURTHER INFORMATION CONTACT: Jerry Magee, Bureau of Land Management, 800 Truxtun Avenue, Room 302, Bakersfield, California 93301; (805) 861-4191.

Dated: August 1, 1983.

Kirby Kline,

Acting District Manager.

[FR Doc. 83-21653 Filed 8-8-83; 8:45 am]

BILLING CODE 4310-84-M

[M-58101]

Realty Action; Noncompetitive Sale of Public Land in Carter County, Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action M-58101, Noncompetitive Sale of Public Land in Carter County.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by sale 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 of $2,900.00.

T. 9 S., R. 59 E., M.P.M.
Sec. 24: S½NE¼SE¼NW¼, N½SE¼ SE¼NW¼

The area described aggregates 10 acres.

The land is being offered at direct sale to the Alzada Roping Club.

The subject tract is located 1 mile northwest of Alzada, Montana, just north of U.S. Route 212. It has been historically used for livestock grazing and lacks any unique values.

The proposed sale of this land to the Alzada Roping Club will resolve an existing unauthorized use.

The club's proposed purchase of this land has been the subject of public contact, discussions with the Carter County Commissioners, and a public meeting (held April 12, 1983).

The proposed sale is consistent with the Bureau's planning system. Sale of the land will remove it from grazing use, but will allow it to be used for an activity which will provide more public benefits.

Terms and conditions: The terms and conditions applicable to this sale are as follows:

(2) A right-of-way for ditches and canals will be reserved to the United States in accordance with 43 U.S.C. 945.

(3) The patent to this land will be subject to all valid existing rights and reservations of record on the date of patent.

Detailed information concerning the sale, including the planning documents, environmental assessment, and the record of public discussions, are available for review at the Miles City District Office, west of Miles City, P.O. Box 940, Miles City, Montana 59301.

DATE: The land will not be offered for sale until 60 days after the date of this notice.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, at the address shown above.

Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

Dated: August 1, 1983.

Ray Brubaker,

District Manager.

[FR Doc. 83-21646 Filed 8-8-83; 8:45 am]

BILLING CODE 4310-84-M

[CA-14340]

California; Proposed Withdrawal and Opportunity for Public Hearing

August 1, 1983.

The Forest Service, U.S. Department of Agriculture, on July 12, 1983, filed application Serial No. CA-14340, for the withdrawal of the following described national forest lands from appropriation under the mining laws (30 U.S.C., Ch. 2) and the mineral leasing laws, subject to valid existing rights.

Mount Diablo Meridian

Klamath National Forest

T. 38 N., R. 11 W.,
Sec. 34, E½E½SW¼SW¼, W½SE¼ SW½.

The area aggregates 30 acres in Siskiyou County, California.

The Forest Service desires the area for development of the Petersburg Administrative Site which replaces an existing work center on Crawford Creek.

For a period of 90 days, from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. Upon determination by the State Director, Bureau of Land Management, that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting. The application will be processed in accordance with the regulations set forth in Title 43 CFR Part 2300.

For a period of two years, from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is rejected or the withdrawal is approved prior to that date. The two year segregative period does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining and mineral leasing laws.

All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, California State Office, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Eleanor Wilkinson,

Chief, Lands and Locatable Minerals Section, Branch of Lands and Minerals Operations.

[FR Doc. 83-21655 Filed 8-8-83; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

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 29, 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 24, 1983.

Carol D. Shull,

Chief of Registration, National Register.

ARIZONA

Apache County

St. Johns, *Isaacson Building*, 37 Commercial St.

Cochise County

Wilcox, *Schwertner House*, 124 E. Stewart St.

Greenlee County

Duncan, *Billingsley, Benjamin F., House*, 202 Main St.

Maricopa County

Glendale, *First National Bank of Glendale Building*, 6638 N. 58th Dr.

Phoenix, *Gibbes, Carter W., House*, 2233 N. Alvarado

Mohave County

Kingman, *Mohave County Courthouse and Jail*, 310 N. 4th St.

Oatman, *Durlin Hotel*, Main St.

CALIFORNIA

Alameda County

Oakland, *Oakland Iron-Works-United Iron Works, and the Remillard Brick Company*, 552–592 2nd St.

Los Angeles County

Pasadena, *Gartz Court (Gloria Court) (Bungalow Courts of Pasadena TR)*, 270 N. Madison

San Francisco County

San Francisco, *National Carbon Company Building*, 599 8th St.

Santa Cruz County

Santa Cruz, *Hinds, A.J., House*, 529 Chestnut St.

Tulare County

Orosi, *Orosi Branch Library*, 12662 Ave. 416

COLORADO

Denver County

Denver, *General Electric Building*, 1441 18th St.

Denver, *Glenarm Place Historic Residential District*, 2417–2462 Glenarm PL

CONNECTICUT

New Haven County

Seymour, *Downtown Seymour Historic District*, Roughly bounded by the Naugatuck River, Main, Wakeley, and DeForest Sts.

KENTUCKY

Campbell County

Newport, *East Newport Historic District*, Roughly bounded by the C & O RR, 6th, Saratoga, and Oak Sts.

Carroll County

Ghent, *Ghent Historic District*, US 42, Fishing, Ann, Main Cross, Ferry, Water, Union and Liberty Sts.

Christian County

Hopkinsville, *East 7th Street Historic District (Christian County MRA)*, Roughly bounded by E. 7th St. from Campbell to Belmont Sts.

Hopkinsville, *Fairlelond (Christian County MRA)*, 1303 E. 7th St.

Hopkinsville, *Higgins, E. H., House (Christian County MRA)*, 1530 E. 7th St.

Hopkinsville, *Walker, E. W., House (Christian County MRA)*, 1414 E. 7th St.

Hopkinsville, *Yost Frank K., House (Christian County MRA)*, 1131 E. 7th St.

Fayette County

Lexington, *Downtown Commercial District*, Roughly bounded by Main, Church, Walnut Sts., and Broadway

Jefferson County

Louisville, *Bernheim Distillery Bottling Plant (West Louisville MRA)*, 822–828 S. 15th St.

Louisville, *Bridges, C. A., Tobacco Warehouse (West Louisville MRA)*, 1719–23 W. Main St.

Louisville, *Brown Tobacco Warehouses (West Louisville MRA)*, 1019–25 W. Main St.

Louisville, *Christ the King School and Church (West Louisville MRA)*, 718–724 S. 44th St.

Louisville, *Church of Our Merciful Saviour (West Louisville MRA)*, 473 S. 11th St.

Louisville, *Columbian School (West Louisville MRA)*, 18th and Wilson

Louisville, *Diebold, Anton, House (West Louisville MRA)*, 4303 W. Broadway

Louisville, *Diebold, J. W., Jr., House (West Louisville MRA)*, 4119 W. Broadway

Louisville, *Doerhoefer, Basil, House (West Louisville MRA)*, 4432 W. Broadway

Louisville, *Doerhoefer, Peter C., House (West Louisville MRA)*, 4422 W. Broadway

Louisville, *Dumesnil Street ME Church (West Louisville MRA)*, 17th and Dumesnil Sts.

Louisville, *Epworth Methodist Evangelical Church (South Louisville MRA)*, 412 M St.

Louisville, *Givens Headley and Co. Tobacco Warehouse (West Louisville MRA)*, 1119–1121 W. Main St.

Louisville, *Greve, Buhrlage, and Company (West Louisville MRA)*, 1501 Lytle St.

Louisville, *Greve, Buhrlage, and Company (West Louisville MRA)*, 312–316 N. 15th St.

Louisville, *Heywood, John H., Elementary School (South Louisville MRA)*, 422 Heywood Ave.

Louisville, *Holy Cross Catholic Church, School and Rectory (West Louisville MRA)*, 31st and Broadway

Louisville, *Ideal Theatre (West Louisville MRA)*, 2315–19 W. Market St.

Louisville, *Immanuel Chapel Protestant Episcopal Church (South Louisville MRA)*, 410 Fairmont Ave.

Louisville, *Irvin, James F., House (West Louisville MRA)*, 2910 Northwestern Pkwy.

Louisville, *James Russell Lowell Elementary School (South Louisville MRA)*, 4501 Crittenden Dr.

Louisville, *Kentucky Wagon Works (South Louisville MRA)*, 2601 S. Third St.

Louisville, *Louisville and Nashville Railroad Office Bldg. (West Louisville MRA)*, 908 W. Broadway

Louisville, *Marlow Place Bungalows District (West Louisville MRA)*, 3139 to 3209 W. Broadway

Louisville, *McFerran, J. B., School (West Louisville MRA)*, Cypress and Hill Sts.

Louisville, *Meier, William G., Warehouse (West Louisville MRA)*, 2100 Rowan St.

Louisville, *Mengel Box Company (West Louisville MRA)*, 1247–1299 S. 12th St.

Louisville, *Monon Freight Depot (West Louisville MRA)*, 1400 W. Main St.

Louisville, *National Tobacco Work Branch Stemmery (West Louisville MRA)*, 2410–18 W. Main St.

Louisville, *National Tobacco Works (West Louisville MRA)*, 1800–10 W. Main St.

Louisville, *National Tobacco Works Branch Drying House (West Louisville MRA)*, 2400 W. Main St.

Louisville, *National Tobacco Works Warehouse (West Louisville MRA)*, 101–113 S. 24th St.

Louisville, *Oakdale District (South Louisville MRA)*, Roughly bounded by Terrace Park, Southern Pkwy., 4th and Kenton Sts.

Louisville, *Parkland Evangelical Church (West Louisville MRA)*, 1102 S. 28th St.

Louisville, *Parkland Junior High School (West Louisville MRA)*, 2509 Wilson Ave.

Louisville, *Peaslee-Gaulbert Warehouse (West Louisville MRA)*, 1427 Lytle St.

Louisville, *Planter's Tobacco Warehouse (West Louisville MRA)*, 1027–1031 W. Main St.

Louisville, *Reed, J. V., and Company (West Louisville MRA)*, 1100 W. Main St.

Louisville, *South Louisville Reformed Church (South Louisville MRA)*, 1060 Lynnhurst Ave.

Louisville, *Southern Heights-Beechmont District (South Louisville MRA)*, Roughly bounded by Southern Pkwy., 6th St., Ashland, and Southern Heights Aves.

Louisville, *Tiller, F. M., House (West Louisville MRA)*, 4309 W. Broadway

Louisville, *Tobacco Realty Company (West Louisville MRA)*, 118–126 N. 10th St.

Louisville, *Wedekind House (West Louisville MRA)*, 2630 and 2532 W. Burnett St.

Louisville, *Western Junior High School (West Louisville MRA)*, 22nd and Main St.

Louisville, *Wrampelmeier Furniture Company (West Louisville MRA)*, 226–228 N. 15th St.

Scott County

Georgetown vicinity, *Lane's Run Historic District*, Old Oxford Rd., US 62 and US 460

Trimble County

Milton, *Third Street Historic District*, Third St. at US 421 (The boundary description for this district was omitted on the correction listed in the **Federal Register** for July 12, 1983.)

Woodford County

Troy vicinity, *Guyn, Robert Jr., House (Early Stone Buildings of Central Kentucky TR)*, S of Troy on KY 33

MARYLAND

Dorchester County

Hurlock, *Glen Oak Hotel*, 201 Academy St.

Washington County

Hagerstown vicinity, *Antietam Furnace Complex Archeological Site*, Mt. Aetna and Mt. Lena Rds.

MISSISSIPPI

Pike County

Osyka, *Magnolia Manor*, 3rd and A mite Sts.

NEW YORK

Bronx County

New York, *Wave Hill*, 675 W. 252nd St.

New York County

New York, *DeLamar Mansion*, 233 Madison Ave.

New York. Stables at 167, 169 and 171 West 89th Street. 167–171 W. 89th St.

Suffolk County

Riverhead. *Vail-Leavitt Music Hall*, Peconic Ave.

PENNSYLVANIA

Allegheny County

Pittsburgh. *Hartley-Rose Belting Company Building*. 425–427 1st Ave.

Bucks County

Buckingham vicinity. *Byecroft Farm Complex*. Off US 202

Erie County

Erie. *Federal Row*. 146–162 E. 5th St.; 424–430 Holland St.
North East. *Short's Hotel*. 90 S. Pearl St.

Indiana County

Indiana. *Indiana Borough 1912 Municipal Building*. 39 7th St.

Luzerne County

Nescopeck vicinity. *Evans, Benjamin, House*. Off PA 93

Montgomery County

Norristown vicinity. *Cold Point Historic District*. I–276, Butler Pike, Militia Hill and Narcissa Rds.

Philadelphia County

Philadelphia. *1616 Building*. 1616 Walnut St.
Philadelphia. *Board of Education Building*. 21st St. and Benjamin Franklin Pkwy.
Philadelphia. *Malvern Hall*. 6655 McCallum St.
Philadelphia. *Rittenhouse Historic District*. Roughly bounded by Waverly, 15th, Sanson, Ludlow, 23rd and 25th Sts.
Philadelphia. *Spring Garden District (Boundary Increase)*. Roughly bounded by Fairmount, Mt. Vernon, 15th and 19th Sts.
Philadelphia. *Sun Oil Building*. 1608–1610 Walnut St.

York County

Wrightsville. *Wrightsville Historic District*. Roughly bounded by the Susquehanna River, Vine, 4th, and Willow Sts.
York. *Northwest York Historic District*. Roughly bounded by Carlisle, Texas, Pennsylvania, Newberry, Park, and Linden Ave.

SOUTH CAROLINA

Edgefield County

Johnston. *Johnston Historic District*. Calhoun, Edisto, Lee, Mims, Jackson, Church and Addison Sts.

TENNESSEE

Shelby County

Memphis. *Ellis, William C., and Sons Ironworks and Machine Shop*. 231–245 S. Front St.

WISCONSIN

Ozaukee County

Port Washington. *Bolens, Harry W., House*. 824 W. Grand Ave.

The 15-day commenting period for the following property nominated to the National Register of Historic Places is being waived in order to assist in the property's preservation. Expeditious listing of this property will insure its preservation.

LOUISIANA

East Baton Rouge Parish

Baton Rouge. *U.S.S. Kidd*. Mississippi River near Government St. and River Rd.

[FR Doc. 83–21700 Filed 8–8–83; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

President's Task Force on International Private Enterprises Agency for International Development; Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting sponsored by the President's Task Force on International Private Enterprise which will be held August 19, 1983 at 2:45. From 10.30–2:30 the same day, the Task Force will be briefed by World Bank officials in closed session.

This will be the third meeting of the Task Force.

The afternoon meeting will be open to the public. The agenda includes an update on Task Force activites and a discussion of key issues. Any interested person may attend, request to appear before, or file statements with the Task Force in accordance with procedures established by the Task Force. Written statements should be filed prior to the meeting and should be available in twenty-five copies.

There will be an AID representative at the meeting. It is suggested that those desiring further information contact Birge Watkins, Assistant Director, on (202) 632–3372 or by mail c/o The President's Task Force on International Private Enterprise, Agency for International Development, Room 5883, Washington, D.C. 20533.

Dated: August 2, 1983.

Elise du Pont,

Assistant Administrator, Bureau for Private Enterprise.

[FR Doc. 83–21677 Filed 8–8–83; 8:45 am]

BILLING CODE 6116–01–M

INTERSTATE COMMERCE COMMISSION

Agency Forms Under Review by Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Lee Campbell (202) 275–7238. Comments regarding this information collection should be addressed to Lee Campbell, Interstate Commerce Commission, Room 1325, 12th and Constitution Ave., NW., Washington, DC 20423 and to Gary Waxman, Office of Management and Budget, Room 3001 NEOB, Washington, DC 20503, (202) 395–7313.

Type of Clearance: Extension.
Bureau/Office: Office of Compliance & Consumer Assistance.
Title of Form: Owner Operator Annual Report Form.
OMB Form No.: 3120–0061.
Agency Form No.: OP–143.
Frequency: Annually.
Respondents: Owner-operators.
No. of Respondents: 400.
Total Burden Hrs.: 4,000.

Type of Clearance: Reinstatement.
Bureau/Office: Office of Compliance & Consumer Assistance.
Title of Form: Motor Carrier Policy Injury Liability & Property Damage Liability Surety Bond.
OMB Form No.: 3120–0089.
Agency Form No.: BMC–82.
Frequency: Other (effective until cancelled).
Respondents: Regulated Motor Carriers of Property & Passengers.
No. of Respondents: 40.
Total Burden Hrs.: 10.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–21576 Filed 8–8–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 448]

Rail Carriers; Consolidated Rail Corporation—One Year Extension of Surcharge Authority Under 49 U.S.C. 10705a(a)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of a proposed one-year extension of the surcharge provisions of 49 U.S.C. 10705a(a).

SUMMARY: The Commission seeks comments on whether the surcharge provisions should be extended for an additional year, as permitted by 49 U.S.C. 10705a(p). The relief, if granted, would apply to all rail carriers. The petition is available for inspection at the Commission's headquarters in Washington, DC.

DATES: Comments are due by August 29, 1983.

ADDRESSES: An original and 15 copies of any comments should refer to Ex Parte No. 448, and should be sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

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

SUPPLEMENTARY INFORMATION: Consolidated Rail Corporation (Conrail) seeks a one-year extension of a carrier's right to impose a joint rate surcharge under 49 U.S.C. 10705a(a). Unless the relief is granted, a carrier's authority to impose new surcharges on deficit joint rate traffic will expire on September 30, 1983. Section 217 of the Staggers Rail Act of 1980, Pub. L. No. 96-448, 94 Stat. 1895 (codified at 49 U.S.C. 10705a), provided carriers with authority to impose surcharges on traffic that moves under joint rates. This provision was intended to provide carriers with an expeditious means to eliminate deficit, joint rate traffic.

Conrail submits that, upon passage of the statutory surcharge authority, it sought to implement a program of surcharging deficit, interterritorial traffic. That program, however, was delayed for nearly 5 months of the initial 3-year period provided in the statute, by civil litigation. Since authority to apply joint rate surcharges will expire on September 30, 1983, "unless extended for one additional year by the Commission . . .", Conrail requests that the relief be granted. It alleges that surcharges continue to be a valuable tool in combating inefficient routings and deficit traffic.

We do not anticipate that an extension of the surcharge would have a substantial impact on the quality of the human environment or the conservation of energy resources.

We certify that the proposed action will not have a significant economic impact upon a substantial number of small entities. Petitioner notes that pre-calculated rollbacks and cancellations have mitigated the effects of surcharges on shippers and connecting carriers and have eliminated much of the controversy which had surrounded surcharges. Carriers and shippers have adjusted to the use of the surcharge provision, and its extension should not cause undue confusion or hardship on any party. In short, the action sought would merely preserve the status quo and would not result in new regulatory requirements.

49 U.S.C. 10321 and 10705; 5 U.S.C. 553

Dated: August 1, 1983.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-21577 Filed 8-8-83; 8:45 am]

BILLING CODE 7035-01-M

Rail Carriers; Union Pacific Railroad Co.; Passenger Train Operation

[I.C.C. Order No. P-57]

It appearing, That the National Railroad Passenger Corporation (Amtrak) has establishad through passenger train service between Oakland, California, and Chicago, Illinois. The operation of these trains requires the use of the tracks and other facilities of Southern Pacific Transportation Company (SP). A portion of the SP tracks in Utah over the Great Salt Lake are temporarily out of service because of flooding. An alternate route is available via Union Pacific Railroad Company (UP) between Alazon, Nevada, and Salt Lake City, Utah.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exits for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission decided April 29, 1981, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 USC 562(c)), Union Pacific Railroad Company (UP) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with Southern Pacific Transportation Company (SP) at Alazon, Nevada, and Salt Lake City, Utah.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application*. The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date*. This order shall become effective at 11:30 p.m., July 14, 1983, Eastern Daylight Time.

(e) *Expiration date*. The provisions of this order shall expire at 11:59 p.m., July 21, 1983, Pacific Daylight Time, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon Union Pacific Railroad Company, and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 14, 1983.

Interstate Commerce Commission.

Bernard Gaillard.

[FR Doc. 83-21585 Filed 8-8-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-66)]

Rail Carriers; Seaboard System Railroad, Inc.—Abandonment—In Blount County, TN; Findings

The Commission has issued a certificate authorizing the Seaboard System Railroad, Inc., to abandon its 9.4-mile rail line between Mentor (milepost KT-286.60) and Friendsville (milepost KT-296.00) in Blount County, TN. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial 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 the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures 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. 83-21584 Filed 8-8-83; 8:45 am]

BILLING CODE 7035-01-M

[AB 12 SDM]

Rail Carriers; Southern Pacific Transportation Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the SOUTHERN PACIFIC TRANSPORTATION COMPANY has filed with the Commission its amended color-coded system diagram map in docket No. AB 12 SMD. The Commission on July 27, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 12 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-21581 Filed 8-8-83; 8:45 am]

BILLING CODE 7035-01-M

[AB 26(SDM)*]

Rail Carriers; Southern Railway Co., Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the SOUTHERN RAILWAY COMPANY has filed with Commission its amended color-coded system diagram map in docket No. AB 26 SDM. The Commission on July 28, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies ot the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, be requesting docket No. AB 26 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-21582 Filed 8-8-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30226]

Union Pacific Railroad Co.—Abandonment Exemption in Thomas County, KS

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. 10903 *et seq.*, the abandonment by Union Pacific Railroad Company of 0.30 miles of rail line in Thomas County, KS, subject to employee protective conditions.

DATES: This exemption shall be effective on September 8, 1983. Petitions to stay the effectiveness of this decision must be filed by August 19, 1983, and petitions for reconsideration must be filed by August 29, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30226 to:

(1) Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423

(2) Petitioner's representative: Joseph D.Anthofer, 1416 Dodge St., Omaha, NE 68179

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, D.C. 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: August 1, 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. 83-21574 Filed 8-8-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Agricultural Cooperative; Notice of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: August 4, 1983.

The following Notices were filed in accordance with section 10526 (a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Harvest States Cooperatives.

(2) P.O. Box 43594, St. Paul, MN 55164.

(3) Albany, GA; Olathe, KS; Albert Lea, MN; St. Paul, MN; Mankato, MN; Souix Falls, SD; Waukesha, WI; and Navasota, TX.

(4) R. J. Eichman, P.O. Box 43594, St. Paul, MN 55164.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-21580 Filed 8-8-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice OP4FC-503

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

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* AB 26 (SDM) includes its consolidated subsidiaries: AB 27 (SDM), The Alabama Great Southern Railroad Company; AB 28 (SDM), Central of Georgia Railroad Company AB 29 (SDM), The Cincinnati, New Orleans and Texas Pacific Railway Company; AB 30 (SDM), Georgia Southern and Florida Railway Company; AB 64 (SDM), Chattanooga Station Company; AB 118 (SDM), Albany Passenger Terminal Company; and AB 125 (SDM), Norfolk Southern Railway Company.

Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team Four at (202) 275-7669.

MC-FC-81567. By decision of August 1, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board, Members Carleton, Joyce, and Parker, approved the transfer to CUSTOM CARRIERS, INC.,Cypress, CA, of Permits Nos. MC-150917F and MC-150917 (Sub-No. 1), issued February 9, 1981, and September 9, 1982, respectively, to FOOD EXPRESS, INC., authorizing the transportation of bakery goods (except frozen) between the plant site of S. B. Thomas, Inc., at or near Placentia, CA, on the one hand, and, on the other, points in AZ, under continuing contract(s) with S. B. Thomas, Inc., of Totowa, NJ., and food products, between points in AZ, CA, ID, NV, and UT, under continuing contract(s) with Yoplait USA, of Minneapolis, MN. Representative: Michael L. Springer, 4325 Fruitland Ave., Los Angeles, CA 90058 for applicants.

[FR Doc. 83-21579 Filed 8-8-83; 8:45 am]

BILLING CODE 7035-01-M

[OP 4F-505]

Motor Carriers; Finance Application; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applicatons (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2 (d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the excepton of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decison is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absense of legally sufficient protests as to the finance applicaton *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: July 27, 1983.

By the Commission, members, Carleton, Parker and Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team Four at (202) 275-7669.

MC-F-15354, filed July 12, 1983. GEORGE H. GOLDING, IN., (GOLDING) (5879 Marion Drive Lockport, NY 14094)-Purchase (Portion)-DELTA TRANSPORT CORPORATION (DELTA) (495 Cottage Street, Springfield, MA 01104). Repesentative: James M. Burns, 1365 Maine Street, Suite 403, Springfield, MA 01103. Golding seeks authority to purchase a portion of the interstate operating rights of Delta. George H. Golding seeks authority to acquire control of said rights through the transaction. The operating rights which Golding seeks to purchase are set forth in Certificate No. MC-93147 (Sub-No. 36), which authorizes the transportation as a common carrier of general commodities in bulk), between points in CT, MA, ME, NH, NJ, NY, OH, PA, RI, VT, and WI. Golding is authorized to operate as a contract carrier in Permit No. MC-139579 and sub-numbers thereunder. Condition: Final approval and authorization of the transaction will be withheld pending receipt by the Commission of an affidavit signed by George H. Golding, stating that he is

person in control of the transferee through 98% stock ownersip and that he joins in the application. Impediment: The authority sought to be purchased duplicates other authority to be retained by the seller to a substantial extent. The parties must furnish additional evidence that this splitting of operating authority is in the public interest.

[FR Doc. 83-21580 Filed 8-8-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest) Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendents 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 Four at (202) 275-7669.

Volume No. OP4-502

Decided: July 28, 1983.

By the Commission, Review Board, Members: Joyce, Williams; and Krock.

MC 169396, filed July 22, 1983. Applicant: EQUIP CORPORATION, 465 Connecticut Ave., Norwalk, CT 06852. Representative: Raymond R. Vallerie (same address as applicant), (203) 838-4751. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, and DC.

Volume No. OP4-504

Decided: August 2, 1983.

By the commission, Review Board, Members: Parker, Joyce, and Carleton.

MC 42487 (Sub-1080), filed July 27, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr. Menlo Park, CA 94025. Representative: V.R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226-4692. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Consolidated Freightways Export-Import Services, Inc., of San Francisco, CA.

MC 60066 (Sub-40), filed July 27, 1983. Applicant: BEE LINE MOTOR FREIGHT INC., 1804 Paul St., Omaha, NE 68102. Representative: James F. Crosby, 7363 Pacific St., Suite #210B, Omaha, NE 68114, (402) 397-9900. 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 105457 (Sub-110), Filed July 27, 1983. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Rd., Charlotte, NC 28206. Representative: John V.

Luckadoo (same address as applicant), (704) 373-1933. 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 Atlanta Service Warehouses, Inc., of Atlanta, GA.

MC 106656 (Sub-1), Filed July 22, 1983. Applicant: HARRY R. SMITH, d.b.a. SMITH BROS. TRUCKING, P.O. Box 155, Arcola, IL 61910. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701 (217) 544-5468. Transporting (1) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Cook, Lawrence and Will Counties, IL and Marion County, IN, on the one hand, and, on the other, points in IN, IL, WI and MO, and (2) *building materials*, between points in Cook County, IL, on the one hand, and, on the other, pionts in IN, IA, KY, MI, MN, MO, OH, and WI.

MC 115917 (Sub-43), Filed July 25, 1983. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 247, Crossnore, NC 28616. Representative: Wilmer B. Hill, Suite 366, 1030 Fifteenth St., NW, Washington, DC 20005 (202) 296-5188. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except HI).

MC 138796 (Sub-3), Filed July 27, 1983. Applicant: NELSON, INC., P.O. Box 38, Deerwood, MN 56444. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424, (612) 927-8855.Transporting (1) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MN, on the one hand, and on the other, points in the U.S. (except AK and HI), and (2) *metal products*, between points in the U.S. (except AK and HI).

MC 158096 (Sub-5), Filed July 26, 1983. Applicant: BEST WAYS EXXPRESS, INC., 129 176th St. So., Suite #6, Spanaway, WA 98387. Representative: Jon Graciano (same address as applicant), (206) 537-2610.Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI).

[FR Doc. 83-21578 Filed 8-8-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Stipulation and Consent Decree Pursuant to Clean Water Act; Rainbow Trout Farms, Inc., and Idaho Trout Processors Co.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on July 22, 1983 a proposed Stipulation and Consent Decree in *United States* v. *Rainbow Trout Farms, Inc. and Idaho Trout Processors Company*, Civil Action No. 83-1439 was lodged with the United States District Court for the District of Idaho. The proposed Stipulation and Consent Decree concerns discharge of pollutants from defendants' trout hatchery and trout processing facility.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Acting Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Rainbow Trout Farms, Inc. and Idaho Trout Processors Company*, D.J. Ref. 90-5-1-1-1840.

The proposed Stipulation and Consent Decree may be examined at the office of the United States Attorney, District of Idaho, Room 693 Federal Building, 550 West Fort Street, Boise, Idaho, 83724 and at the Region X Office of the Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington, 98101. Copies of the Stipulation and Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed Stipulation and Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.80 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht, II,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-21651 Filed 8-8-83; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Harold E. Harbo, M.D.; Revocation of Registration

On May 23, 1983, the Acting Administrator of the Drug Enforcement Administration (DEA) directed an Order to Show Cause to Harold E. Harbo, M.D., 1512 West 31st Street, Minneapolis, Minnesota 55408, proposing to revoke DEA Certificate of Registration AH3639979 issued to Dr. Harbo. The proposed revocation was based upon the fact that Dr. Harbo is not licensed with the Minnesota State Board of Medical Examiners and has not been so licensed since January 1, 1981, and, therefore, lacks authority to possess, dispense, prescribe or otherwise handle controlled substances in Minnesota. Simultaneously, based upon his preliminary finding of an imminent and unacceptable risk to the public health and safety, the Acting Administrator ordered the immediate suspension of Certificate of Registration AH3639979.

The Order to Show Cause was served on Dr. Harbo on May 25, 1983. More than 30 days have elapsed since the Order to Show Cause was served and the Drug Enforcement Administration has received no response from Dr. Harbo. Accordingly, the Acting Administrator hereby issues his final order in this matter, based upon the investigative file and the record as it presently appears. 21 CFR 1301.54(d).

The Acting Administrator finds that Dr. Harbo, a 91-year old physician, was treating patients in 1982 and 1983 even though he was not licensed to practice medicine. Dr. Harbo continued to obtain and possess drugs, including controlled substances, notwithstanding the fact that he could not utilize them in the legitimate practice of medicine. Dr. Harbo informed the chief investigator of the Minnesota Board on November 2, 1982, that while he was no longer in possession of a Minnesota medical license, he still had his DEA Certificate of Registration. Dr. Harbo indicated on his renewal application executed September 19, 1982, that he was authorized to handle controlled substances in Minnesota when he had in fact been informed in early 1981 that he was no longer licensed to practice medicine in that state.

This agency has consistently held that when a registrant or an applicant is without authority to handle controlled substances under the laws of the state in which he practices, or proposes to practice, DEA is without lawful authority to issue or maintain a

registration. See *Floyd A. Santner, M.D.*, Dk. 79-23, 47 FR 51831 (1982); *James Waymon Mitchell, M.D.*, Dk. 79-16, 44 FR 71466 (1979); *Henry Weitz, M.D.*, 46 FR 34858 (1981). There is no lawful basis to continue to register Dr. Harbo since he is no longer licensed to practice as a practitioner and is no longer authorized to dispense, administer or otherwise handle controlled substances in Minnesota. Dr. Harbo has failed to respond to the Order to Show Cause and has been deemed to have waived his opportunity for a hearing on the issues involved in the matter. There is a lawful basis for the revocation of this registration under 21 U.S.C. 824(a)(3). Accordingly, pursuant to the authority vested in the Attorney General by 21 U.S.C. 824 and redelegated to the Acting Administrator of the Drug Enforcement Administration, the Acting Administrator hereby orders that DEA Certificate of Registration AH3639979 be and is hereby revoked. In light of Dr. Harbo's continued practice of medicine without state licensure and his continued ordering, possession, and administration of controlled substances, the revocation of this registration shall be effective immediately.

Dated: August 1, 1983.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc. 83-21642 Filed 8-8-83; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities Under Review by OMB

Background: The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of forms under review: On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and questions: Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

Employment and Training Administration
National Longitudinal Survey of Work Experience (Young Men)
LGT-2121
Biennially
Men (Ages 14-24 in 1966)
3,600 responses; 0.45 hours

The Department of Labor will use this information to determine the employment and training needs and develop programs designed to ease the employment and unemployment problems face by men aged 31-41. These men were aged 14-21 when this longitudinal survey began in 1966.

Extension (Burden Change)

Employment Standards Administration
Report of Injury Experience of Self-Insured Employer Form
LS-274
Annually
Businesses or other for-profit
375 responses; 375 hours, 1 form

Form is used by self-insurers to report to the OWCP their outstanding liability under the Longshoremen's Act and its extensions.

Reinstatement

Occupational Safety and Health Administration
Quarterly Report of State Compliance and Standards Activity and Migrant Housing Inspections/Violations Report
OSHA 120, 120A, 122, 123, and 124
Quarterly
State or local governments
SIC: 944
240 responses; 2,168 hours

29 CFR 1902 requires each State having an approved plan to submit these reports so that the Secretary may evaluate the manner in which each State is carrying out its responsibility under the plan.

Signed at Washington, D.C., this 4th day of August 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-21670 Filed 8-8-83; 8:45 am]

BILLING CODE 4510-30-M, 4510-27-M, 4510-26-M]

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply For Worker Adjustment Assistance; Adirondack Steel Casting Co. Inc., et al.

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment

Assistance, at the address shown below, not later than August 19, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 19, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

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

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Adirondack Steel Casting Co., Inc. (USWA)	Watervliet, NY	7/22/83	7/20/83	TA-W-14,873	Steel castings.
Armira Company (United Food & Commercial Wkrs. Union)	Sheboygan, WI	7/25/83	7/22/83	TA-W-14,874	Leather tanning.
Armira Company (United Food & Commercial Wkrs. Union)	Muscatine, IA	7/25/83	7/22/83	TA-W-14,875	Leather blueing.
G H Bass & Co., Bangor Plant (workers)	Bangor, ME	7/25/83	7/18/83	TA-W-14,876	Women's "cement" constructed shoes.
G & W Taylor Forge Ackerman Plant (USWA)	Ackerman, MS	7/25/83	7/20/83	TA-W-14,877	Carbon steel pipe flanges.
Massey Ferguson, Inc., Gear & Shaft (UAW)	Detroit, MI	7/21/83	7/21/83	TA-W-14,878	Gears and shafts for assembly of the transmissions and axles.
Massey Ferguson, Inc., Transmission & Axle Plant (UAW)	Wayne, MI	7/21/83	7/21/83	TA-W-14,879	Transmissions and axles for small, medium and large size tractors.
National Advanced Systems (workers)	San Diego, CA	7/25/83	7/17/83	TA-W-14,880	Medium size computer—NAS6100 model.
Pollock Company (UAW)	Youngstown, OH	7/25/83	7/20/83	TA-W-14,881	Blast furnaces for steel industries hot metal cars and slag handling equipment.
Terex Corporation (UAW)	Hudson, OH	7/25/83	7/20/83	TA-W-14,883	Loaders and crawlers and component parts.
Terex Corporation (UAW)	Brooklyn, OH	7/25/83	7/20/83	TA-W-14,883	Haulers, assemble pan type scrapers maching spindles.
Atlas Foundry and Machine Company (worker)	Tacoma, WA	7/21/83	7/11/83	TA-W-14,884	Steel and stainless steel castings.
Belva Coal Company (workers)	Man, WV	7/26/83	7/20/83	TA-W-14,885	Coal products—electricity mine metallurgical coal.
Chic-DE-Paris Handbag Corp. (workers)	New York, NY	7/26/83	7/21/83	TA-W-14,886	Handbags—ladies.
General Motors Corp., Fisher Body Div. (UAW)	Warren, MI	7/18/83	7/12/83	TA-W-14,887	General offices.
Fundimensions (UAW)	Mt. Clemens, MI	7/18/83	7/13/83	TA-W-14,888	Toy kits.
Menasha Controls Corp. (IBEW)	Menasha, WI	7/27/83	7/22/83	TA-W-14,889	Printed electronic circuit boards and all component parts.
RCA—Consumer Electronic Div. (workers)	Indianapolis, IN	7/21/83	7/18/83	TA-W-14,890	Component parts of TV's.
Sharwell Manufacturing Co., Inc. (workers)	Williamsport, PA	7/26/83	7/22/83	TA-W-14,891	Blouses.
U.S. Steel Corp., American Bridge Div. (workers)	Pittsburgh, PA	7/26/83	7/19/83	TA-W-14,892	Engineering, designing and drafting for steel methods of mfg.
Wilson Automation Co., Parkgrove Station (UAW)	Detroit, MI	7/21/83	7/18/83	TA-W-14,893	Special assembly for automotive industries.
Wilson Sporting Goods Co. (ICWU)	Ironton, OH	7/28/83	7/25/83	TA-W-14,894	Baseball gloves.

[FR Doc. 83-21668 Filed 8-8-83; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Chrysler Corp., et al.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period July 25, 1983–July 29, 1983.

In order for an affirmative determination to be made and a certification of elgibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-14,023; Chrysler Corp., Mound Road Engine, Detroit, MI

TA-W-14,028; Chrysler Corp., Amplex-Harper, Warren, MI

TA-W-14,029; Chrysler Corp., Miscellaneous Division Office, Warren, MI

TA-W-14,030; Chrysler Corp., Detroit Universal Division, Dearborn, MI

TA-W-14,032; Chrysler Corp., Outer Drive Mfg. Tech Center, Detroit, MI

TA-W-14,034; Chrysler Corp., Vernon Tool & Die, Detroit, MI

TA-W-14,036; Chrysler Corp., Chrysler Transportation, Detroit, MI

TA-W-14,038; Chrysler Corp., Export-Import Wyoming Plant, Detroit, MI

TA-W-14,040; Chrysler Corp., Misc. Mfg., Group & Stamping Office, Detroit, MI

TA-W-14,041; Chrysler Corp., New Castle Machining & Forge, New Castle, IN

TA-W-14,043; Chrysler Corp., Trenton Chemical, Trenton, MI

TA-W-14,045; Chrysler Corp., Highland Park Complex, Highland Park, MI

TA-W-14,049; Chrysler Corp., Introl Division, Ann Harbor, MI

TA-W-14,052; Chrysler Corp., Detroit Forge & Axle, Detroit, MI

TA-W-14,053; Chrysler Corp., Winfield Foundry, Detroit, MI

TA-W-14,056; Chrysler Corp., Indianapolis Electrical, Indianapolis, IN

TA-W-14,059; Chrysler Corp., Chelsea Proving Grounds, Chelsea, MI

TA-W-14,060; Chrysler Corp., Van West Complex, Van West, OH

TA-W-14,061; Chrysler Corp., Huntsville Electronics, Huntsville, AL

TA-W-14,063; Chrysler Corp., Nurses, Detroit, MI

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-14,037; Chrysler Corp., McGraw Glass, Detroit, MI

The investigation revealed that criterin (1) has not been met. Employment did not decline as required for certification.

TA-W-14,048; Chrysler Corp. Indianapolis Foundry, Indianapolis, IN

The investigation revealed that criterion (1) has not been met Employment did not decline as required for certification.

Affirmative Determinations

TA-W-14,462; Levingston Shipbuilding Co., Orange, TX

A certification was issued covering all workers separated on or after Febuary 22, 1982.

TA-W-14,527; Erie Mining Co., Hoyt Lakes, MN

A certification was issued covering all workers separated on or after Febuary 25, 1982.

TA-W-14,025; Chrysler Corp., Twinsburg Stamping, Twinsburg, OH

A certification was issued covering all workers separated on or after November 23, 1981 and before August 1, 1982.

TA-W-14,035; Chrysler Corp., Detroit Trim, Detroit, MI

A certification was issued covering all workers separated on or after November 23, 1981 and before August 1, 1982.

TA-W-14,042; Chrysler Corp., Trenton Engine, Trenton, MI

A certification was issued covering all workers separated on or after November 23, 1981 and before August 1, 1982.

TA-W-14,050; Chrysler Corp., Kokomo Transmission Kokomo, IN

A certification was issued covering all workers separated on or after November 23, 1981 and before August 1, 1982.

TA-W-14,051; Chrysler Corp., Warren Stamping, Warren, MI

A certification was issued covering all workers separated on or after November 23, 1981 and before August 1, 1982.

TA-W-14,054; Chrysler Corp., Kokomo Casting Kokomo, IN

A certification was issued covering all workers separated on or after November 23, 1981 and before August 1, 1982.

TA-W-14,057; Chrysler Corp., Sterling Stamping, Sterling Heights, MI

A certification was issued covering all workers separated on or after November 23, 1981 and before August 1, 1982.

TA-W-14,062; Chrysler Corp., Toledo Machining, Perrysburg, OH

A certification was issued covering all workers separated on or after November 23, 1981 and before August 1, 1982.

I hereby certify that the aforementioned determinations were issued during the period July 25, 1983–July 29, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D. Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: August 2, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-21609 Filed 8-8-83; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Washington State Standards; Approval

SUMMARY: This notice approves a revised Washington State standard, WAC 296-306-200, Roll-Over Protective Structures (ROPS) for Tractors used in Agricultural Operations, which is comparable to the Federal agricultural standard at 29 CFR 1928.51, "Roll-Over Protective Structures" and terminates the previously instituted standards rejection proceedings. The State's modified standard, particularly with respect to provisions governing exemptions from the use of Roll-Over Protective Structures ("ROPS") has been determined to be "at least as effective" as its Federal counterpart.

EFFECTIVE DATE: August 9, 1983.

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

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 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. On January 26, 1973, a notice was published in the **Federal Register** (38 FR 2421) of the approval of the Washington plan and of the adoption of Subpart F of Part 1952 describing the plan.

Consistent with the State's schedule for adoption of State standards, on March 16, 1977, the State submitted standards comparable to 29 CFR 1928.51 "Roll-Over Protective Structures," as published in the **Federal Register** (41 FR 10190) dated March 9, 1976, with subsequent amendments and corrections in the **Federal Register** (41 FR 111022) on March 16, 1976, and (41 FR 22501) on June 4, 1976.

Regional review pursuant to 29 CFR 1953.4 indicated that the State's standard contained an exemption from the roll-over protective structure requirements for track-type agricultural tractors, WAC 296-306-200 (6), which was not contained in the Federal standard, 29 CFR 1928.51(b)(5). This additional exemption specifically applies as follows:

(d) Track-type agricultural tractors whose over-all width (as measured between the outside edges of the tracks) is at least three times the height of their rated center of gravity, and whose rated maximum speed in either forward or reverse is not greater than 7 mph, when used only for tillage or harvesting operations and while their use is incidental thereto, and which: (i) Does not involve operating on slopes in excess of 40 degrees from horizontal, and (ii) Does not involve operating on piled crop products or residue, as for example silage in stacks or pits, and (iii) Does not involve operating in close proximity to irrigation ditches, or other excavations more than two (2) feet deep which contain slopes more than 40 degrees from the horizontal.

The Regional Administrator made an initial determination that the above-quoted exemption rendered the Washington standard less effective than the comparable Federal provisions. On August 16, 1977, a notice of intent to reject the Washington standard was published in the **Federal Register** (42 FR 41334), which included a summary of the differences between the Federal and State ROPS standards, the basis for rejection, and an invitation to interested persons to submit written data, views and arguments concerning whether the State standards should be approved.

By letter dated August 23, 1977, Washington advised OSHA's Regional Administrator that it would repeal its provision exempting track-type tractors from the requirements of its ROPS standard. On the basis of this representation, OSHA determined not to schedule hearings on the issue of the effectiveness of Washington's standard. At this time, OSHA was in the process of conducting proceedings to determine the effectiveness of the State of Oregon's ROPS standard which contained an exemption for track-type tractors which was identical to that contained in the Washington standard. A hearing on the Oregon standard was held in Pendleton, Oregon on December 1, 1977. Subsequent to this hearing Washington advised the Regional

Administrator that it was postponing repeal of its exemption pending OSHA's decision concerning the Oregon standard, at which time it would take whatever action was appropriate to comply with that decision.

OSHA has this day published notice in the **Federal Register** announcing approval of Oregon's amended ROPS standard. That notice explains that after extensive review of all relevant material, OSHA determined that with some modification, the Oregon standard would be considered at least as effective as the comparable Federal standard. The notice goes on to explain that following negotiations, Oregon modified its standard in order to address OSHA's concerns. Specifically, the State included a provision to make clear that the exemption of track-type tractors from the requirements of the ROPS standard applies only to agricultural usage which "does not involve construction-type operations such as bulldozing, grading or land clearing." OSHA determined that the record of the rejection proceedings is lacking in evidence that roll-overs are likely to occur when tractors are operated in compliance with the Oregon ROPS standard as amended. Accordingly, the Oregon standard was approved.

As was the case in Oregon, negotiations were initiated between the Regional Administrator and Washington regarding OSHA's concerns over the Washington ROPS standard. As a result of these negotiations, Washington promulgated a revised standard, effective May 5, 1982, in which the State had adopted an additional limitation on the ROPS standard which was identical to that adopted in Oregon, and submitted the revised standard to OSHA on May 13, 1982. On the basis of the foregoing, OSHA has determined that Washington's limited exemption of track-type tractor from the requirements of its ROPS standard, as amended, does not render the standard less than "at least as effective" as the Federal standard. Accordingly, WAC 296-306-200 is approvable.

Location of Plan and Supplements for Inspection and Copying

A copy of the standard supplement, record of proceedings and the approved plan may be inspected and copied during normal business hours at the Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Department of Labor and Industries, General Administration Building, Olympia, Washington 98501; and the Office of the Directorate of Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N-3700, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Decision

After careful consideration of the entire record, the Washington ROPS standard, WAC 296-306-200, is hereby approved under Part 1953.

(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)

Signed at Washington, D.C., this 3rd day of August 1983.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 83-21525 Filed 8-8-83; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting

August 4, 1983.

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Thursday and Friday, August 25-26, 1983. The meeting on Thursday and Friday will be held in the Walnut Rooms A & B and Lassen Room at the San Francisco Hilton and Tower, 333 O'Farrell St., San Francisco, CA. The committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local government, was established by Congress by Public Law 95-63, on July 5, 1977. Its duties are to: (1) Undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit other reports as may from time to time be requested by the President or Congress.

The Tentative Agenda is as follows:

Thursday, August 25, 1983

San Francisco Hilton and Tower, 333 O'Farrell Street, Walnut Rooms A & B and Lassen Room, San Francisco, CA

9:00 a.m.—12:00 Noon
Plenary
9:00 a.m.—9:30 a.m.
- Announcements, Walnut Rooms A & B

Panel Meetings

9:30 a.m.—12:00 Noon
- National Ocean Policy Commission, Chairman: Don Walsh, Walnut Rooms A & B
  Topic: Panel Work Session
  Speakers: None.
- Weather Services Chairman: Warren Washington
  Lassen Room
  Topic: Panel Work Session
  Speakers: None

12:00 Noon—1:00 p.m.
Lunch
1:00 p.m.—5:00 p.m.
Panel Meetings
1:00 p.m.—5:00 p.m.
- Radioactive Waste Disposal Chairman: John A. Knauss Lassen Room
  Topic: Panel Work Session
  Speakers: None

1:00 p.m.—5:00 p.m.
- Shipbuilding/Shipyards Chairman: Don Walsh Walnut Rooms A & B
  Speakers: TBA

5:00 p.m.
Recess

Friday, August 26, 1983

San Francisco Hilton and Tower, 333 O'Farrell Street, Walnut Rooms A & B and Lassen Room, San Francisco, CA

8:30 a.m.—11:00 a.m.
Panel Meetings
8:30 a.m.—11:00 a.m.
- Ocean Research, Chairman: Sylvia A. Earle, Lassen Room
  Topic: Panel Work Session
  Speakers: None
- Wetlands, Chairman: Sharron Stewart, Walnut Rooms A & B
  Topic: Panel Work Session
  Speakers: None

11:00 a.m.—12:00 Noon
Plenary
- National Ocean Policy Commission Walnut Rooms A & B

12:00 Noon—1:00 p.m.
Lunch
1:00 p.m.—3:00 p.m.
Plenary
Walnut Rooms A & B
- Action Items
- Panel Reports

3:00 p.m.
Adjourn

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, DC 20235.

Dated: August 4, 1983.

James A. Almazan,

Staff Physical Scientist.

[FR Doc. 83-21635 Filed 8-8-83; 8:45 am]

BILLING CODE 3510-12-M

SECURITIES AND EXCHANGE COMMISSION

[Administrative Proceeding File No. 3-6135; (8-14697)]

Alstead, Dempsey & Co., Inc. (Formerly Alstead, Strangis & Dempsey, Inc.); Review Order

August 2, 1983.

We heard oral argument in this matter on July 28, 1983. After considering the arguments of Alstead, Dempsey & Co., Inc. ("registrant") 11900 Wayzata Boulevard, Minnetonka, Minnesota, and our staff, and in light of the fundamental questions raised in this proceeding with respect to the proper computation of markups, we deem it appropriate to review the administrative law judge's conclusions with respect to all of the retail sales effected by registrant in the securities of Flight Transportation Corporation ("FTC") and A. T. Bliss and Company that were originally alleged to have included excessive markups.[1] That review may require us to consider whether the sanction imposed on registrant by the administrative law judge is appropriate in the public interest.

Accordingly, pursuant to Rule 17(g) of our Rules of Practice, it is ordered that the administrative law judge's conclusions with respect to all of registrant's retail sales of FTC and Bliss stock that are not presently before us but were originally alleged to have involved excessive markup's, and the sanction that the law judge imposed on registrant, be, and they hereby are, called up for review on our own motion; and it is further

Ordered that the parties and the Division of Market Regulation may file supplemental briefs with respect to the matters raised herein within 30 days after service of this order.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21681 Filed 8-8-83; 8:45 am]

BILLING CODE 8010-01-M

[1] Registrant appealed from the law judge's findings that it charged unfair markups in 40 retail sales of FTC stock and 44 sales of Bliss. Since our Division of Enforcement did not appeal from the law judge's initial decision, the transactions as to which the law judge did not sustain the Division's allegations of fraud are not presently before us.

[Release No. 23015; (70-6791)]

Consolidated Natural Gas Co.; CNG Development Co.; and CNG Producing Co.; Order Authorizing Transfer of Gas Leases Between Nonutility Subsidiaries

July 29, 1983.

Consolidated Natural Gas Company ("Consolidated"), New York, N.Y., a registered holding company, and its nonutility subsidiaries, CNG Development Company ("CNGD"), Pittsburgh, Pennsylvania, and CNG Producing Company ("Producing"), Clarksburg, West Virginia, have filed with this Commission post-effective amendments to an application-declaration pursuant to Sections 6(a), 7, 9(a), 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 45, and 50(a)(3) promulgated thereunder.

By prior order in this proceeding (HCAR No. 22845, February 7, 1983), the Commission authorized Consolidated to finance the operations of CNGD, which will engage in natural gas and oil exploration in several Appalachian states, through the purchase of up to 200,000 shares of CNGD's common stock ($100 per value) for aggregate consideration not to exceed $20 million. As of March 31, 1983, Consolidated had purchased 12,000 shares for an aggregate amount of $1,200,000. Said order reserved jurisdiction over the acquisition by CNGD of gas exploration leases from affiliated companies.

By post-effective amendment, applicants-declarants now proposed the trasnfer to CNGD of all Appalachian gas leases curently held by Producing. This transaction would be effected in two steps. First, Producing proposes to transfer to Consolidated, as a dividend-in-kind, all of its rights, titles, and interests in Appalachian leasehold properties, based on the net book cost thereof as of the end of the month immediately preceding the date of the transaction. As of March 31, 1983, such net book cost totaled $7,785,896. Simultaneously with the issuance of the dividend, Consolidated will transfer all such property to CNGD in consideration for shares of CNGD common stock, $100 par value. CNGD will issue shares in multiples of ten so that, by way of example, as of March 31, 1983, 77,860 shares would have been issued in exchange for the property. Consolidated may also transfer a nominal amount of cash, as an addition to the working capital of CNGD, to the extent the total par value of CNGD common stock, issued in exchange for the transferred property, exceeds the exact net book value of the properties.

No state or federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees, commissions, and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $4,000.

Due notice of the filing of said post-effective amendments to the application-declaration has been given in the manner prescribed in Rule 23 promulgated under the Act (HCAR No. 22981) and no hearing has been requested of or ordered by the Commission. Upon the basis of the facts in the record, it is hereby found that the applicable standards of the Act and the rules thereunder are satisfied:

It is ordered, pursuant to the applicable provisions of the Act and rules thereunder, that said application-declaration, as now amended, be, and it hereby is, granted and permitted to become effective forthwith, except with respect to those maters over which jurisdiction is herein reserved, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act.

It is further ordered that jurisdiction be, and it hereby is, reserved with respect to the acquisition by CNGD of gas exploration leases from affiliated companies, other than those specifically authorized herein, and the provision of services by CNGD to affiliated companies, including the specific contractual agreements governing such services.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21678 Filed 8-8-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13419; (812-5094)]

E. F. Hutton Life Insurance Company, et al.; Application for an Order of Exemption

August 2, 1983.

Notice is hereby given that E. F. Hutton Life Insurance Company ("Hutton Life"), 11011 North Torrey

Pines Road; P.O. Box 2700, La Jolla, California 92038, Hutton VIP Separate Account (registered under the Investment Company Act of 1940 ("Act") as a unit investment trust and established by Hutton Life in connection with the proposed issuance of certain variable annuity contracts) ("Account"), Hutton VIP Fund (registered under the Act as an open-end, diversified management investment company and established to serve as the investment vehicle for the Account ("Fund"), and E. F. Hutton and Company, Inc. (the principal underwriter for the contracts) (collectively, "Applicants") filed an application on January 27, 1982, and amendments thereto on October 14, 1982, January 7, 1983, March 2, 1983, June 2, 1983, July 21, 1983, and July 26, 1983, for an order pursuant to section 6(c) of the Act granting exemptions from the above referenced provisions of the Act and rules thereunder to the extent necessary to permit transactions described in the application, and for an order pursuant to section 11 of the Act approving the terms of certain offers of exchange. This notice supersedes a notice previously issued in connection with this application (Investment Company Act Release No. 13087, March 9, 1983) due to the filing of amendments to the application after issuance of that release. All interested persons are referred to the application and amendments on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and rules thereunder for a statement of the relevant provisions.

In support of the requested relief pursuant to section 6(c) of the Act, Applicants state the following:

1. Applicants request exemption from sections 26(a) and 27(c)(2) to the extent necessary to permit Hutton Life to administer the Account without appointment of a trustee or custodian and to permit the Account to hold the securities of the Fund in book-entry form. Applicants also request exemption from section 12(d)(1) to the extent necessary to permit the Account to invest in the Fund.

2. Applicants request exemption from sections 26(a)(2)(C) and 27(c)(2) to the extent necessary: to deduct from contract values the amount of any premium taxes imposed thereon; to impose a contract maintenance charge of $30 upon issuance of the contract and on December 31 of each contract year thereafter (this charge is not guaranteed, and is designed to pay for administrative expenses related to the contracts and does not include a profit element); and to impose a mortality and expense risk charge equal on an annual basis to 1.19% of the Account's average daily net assets. Applicants represent that this latter charge is reasonable and compares favorably to charges of other comparable separate accounts, and that the basis for this representation is reflected in documents on file with the Applicants and available to the Commission.

3. Applicants request exemption from the provisions of sections 2(a)(32), 2(a)(35), 22(c), 27(c)(1), 27(c)(2), and 27(d), and rule 22c-1, to the extent necessary to impose a contingent deferred sales charge, not to exceed 5% of aggregate premium payments, upon withdrawal or annuitization of contract values. Applicants do not anticipate that this charge will generate enough revenues to cover all costs of distributing the contracts and acknowledge that any shortfall would be absorbed by the general account of Hutton Life, which might include assets attributable to profit derived from the risk charge. In this regard, Applicants represent that the Fund is governed by a board of directors a majority of whom are disinterested, and the Account represents that it will invest only in funds which undertake to have a board with a disinterested majority formulate and approve any plan under Rule 12b-1 to finance distribution expenses.

Applicants request approval under section 11 of the terms of certain offers of exchange whereby contractholders will be able to transfer values among various subdivisions of the Account at their net asset values and without charge.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than August 26, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for this request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21692 Filed 8-8-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23014; (70-6871)]

In the Matter of Gulf Power Co.; Order Authorizing Transactions Related to Financing Pollution Control Facilities

July 29, 1983.

Gulf Power Company ("Gulf"), Pensacola, Florida, an electric utility subsidiary of The Southern Company ("Southern"), a registered holding company, has filed with this Commission a declaration and amendments thereto pursuant to Section 6(a), 7 and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44(b)(3) and 50(a)(5) promulgated thereunder.

Gulf proposes to finance the construction of certain pollution control facilities ("facilities"), at generating plants in Florida, through an arrangement with Escambia County (the "County"). The County will issue its Pollution Control Revenue Bonds ("revenue bonds") for the purpose of making loans to Gulf to pay the costs of the acquisition, construction, installation, and equipping of the facilities. The County has entered into arrangements with a group of underwriters for the sale of $20 million principal amount of revenue bonds maturing August 1, 2013. The arrangements provide for an interest rate of 10% per annum and result in an effective cost of 10.1536% per annum.

Gulf intends to enter into a Loan Agreement ("Agreement") with the County, under which the County will loan to Gulf the proceeds of the sale of the revenue bonds. Gulf will issue a non-negotiable promissory note ("Note") for the proceeds. Such proceeds will be deposited with a Trustee under an indenture to be entered into between the County and such Trustee (the "Trust Indenture"), pursuant to which the revenue bonds are to be issued and secured, and will be applied by Gulf toward payment of the cost of construction of the facilities. The Trust Indenture will also provide that the revenue bonds will be redeemable (a) at any time on or after a date ten years from the date of issuance, in whole or in part, at the option of Gulf, initially with a premium of 3% of the principal amount and declining by ½ of 1% annually thereafter, and (b) in whole, at the

option of Gulf, in certain other cases such as the termination of generating operations.

The Note will provide for payments thereon to be made at times and in amounts which will correspond to the payments with respect to the principal of, premium, if any, and interest on the revenue bonds whenever and in whatever manner the same shall become due, whether at stated maturity, upon redemption or otherwise. The Agreement will provide for the assignment to the Trustee of the County's interest in, and of the moneys receivable by the County under, the Agreement and Note. The Agreement will also obligate Gulf to pay the fees and charges of the Trustee and will provide that Gulf may at any time, so long as it is not in default thereunder, prepay the amount due under the Note, including interest thereon, in whole or in part, such payment to be sufficient to redeem or purchase the outstanding revenue bonds.

Gulf has determined to secure its obligations under the Note by delivering to the Trustee, to be held as collateral, a separate series of its first mortgage bonds (the "Collateral Bonds") in principal amount equal to the principal amount of the revenue bonds. The Collateral Bonds will be issued under a supplemental indenture, will bear the same interest rate as that of the revenue bonds, mature on the maturity date of such bonds and will be nontransferable by the Trustee.

The supplemental indenture will provide that the obligation of Gulf to make payments with respect to the Collateral Bonds will be satisfied to the extent that payments are made under the Note sufficient to meet payments when due with respect to the revenue bonds. It will also provide that, upon acceleration by the Trustee of the principal amount of all outstanding revenue bonds of any series under a Trust Indenture, the Trustee may demand the mandatory redemption of the Collateral Bonds at a redemption price equal to the principal amount thereof plus accrued interest, if any. Upon optional redemption of the revenue bonds, in whole or in part, at any time after they have been outstanding for a period of 10 years, an equal principal amount of Collateral Bonds will be redeemed at an initial premium of 3%, declining by ½% every year. Because interest accrues on the Collateral Bonds until satisfied by payments under the Note, annual interest charges with respect to the Collateral Bonds will be included in computing the interest earnings requirement of the Mortgage which restricts the amount of first mortgage bonds which may be issued and sold to the public in relation to Gulf's net earnings.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $84,000, including legal fees of $23,000 and accounting fees of $21,000.

The Florida Public Service Commission has authorized borrowings by Gulf. No other state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transactions.

Due notice of the filing of said declaration has been given in the manner prescribed in Rule 23 promulgated under the Act (HCAR No. 22993), and no hearing has been requested of or ordered by the Commission. Upon the basis of the facts in the record, it is hereby found that the applicable standards of the Act and the rules thereunder are satisfied:

It is ordered, pursuant to the applicable provisions of the Act and rules thereunder, that said declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21690 Filed 8-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13421; (812-5507)]

IDS Life Capital Resource Fund I, Inc., et al.; Filing of Application for Order

August 2, 1983.

In the matter of IDS Life Capital Resource Fund I, Inc., et al., 1000 Roanoke Building, Minneapolis, Minnesota 55402, and Investors Diversified Services, Inc., et al., IDS Tower, Minneapolis, Minnesota 55402.

Notice is hereby given that IDS Life Capital Resource Fund I, Inc. ("Capital Resource I"), IDS Life Capital Resource Fund II, Inc. ("Capital Resource II"), IDS Life Special Income Fund I, Inc. ("Special Income I"), IDS Life Special Income Fund II, Inc. ("Special Income II"), IDS Life Moneyshare Fund, Inc. ("Moneyshare"), IDS Life Variable Annuity Fund A ("Variable A"), and IDS Life Variable Annuity Fund B ("Variable B") (collectively referred to as the "Funds"), each of which is registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, IDS Life Insurance Company ("IDS Life"), the Funds' investment manager, and Investors Diversified Services, Inc. ("IDS"), the parent company of IDS Life and its investment adviser for purposes of managing the Funds' investments (together with IDS Life and the Funds, referred to as the "Applicants"), filed an application on March 25, 1983, and an amendment thereto on July 21, 1983, for an order of the Commission pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder permitting the Funds, and all new funds which may be established in the future and for which IDS Life or IDS may act as investment adviser or investment manager, to deposit all of their daily cash balances into a single joint account to be used for the purchase of one or more repurchase agreements maturing the following business day. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act for the provisions thereof which relate to the relief being sought by the application.

Applicants state that in the course of daily trading and investments each Fund develops a cash balance, most of which normally would be invested daily in one or more short-term money market instruments with banks or major brokerage houses for the purpose of earning additional income for the Fund and avoiding, if possible, having any idle money. According to the application, IDS operates a short-term money department which is responsible for investing the Funds' daily cash balances in various short-term investments. Applicants propose to establish a joint account into which each Fund would deposit its unused cash balances daily in accordance with specific procedures which are fully described in the application.

Applicants state that the proposed joint account could be deemed to be a joint arrangement for the purposes of Section 17(d) and Rule 17d-1 and, by participating in the joint account, each Fund as well as IDS Life and IDS could be deemed to be joint participants therein. Applicants also state that, although they do not believe the Funds are affiliated persons of one another, each Fund could be deemed to be an affiliated person of the other Funds under the definition set forth in Section 2(a)(3) of the Act. Applicants further state that, although neither IDS Life nor IDS believes it would be participating as a principal in a joint arrangement in the

course of effecting transactions on behalf of the Funds while operating the joint account. IDS Life and IDS are included in the application to eliminate any question as to the legality of their activities in connection with the joint account.

Applicants assert that the existence and operation of the proposed joint account would be consistent with the "provisions, policies and purposes" of the Act. Applicants state that each Fund would participate in the joint account on the same basis as every other Fund and that neither IDS Life nor IDS would have any monetary participation in the joint account. Applicants further state their belief that the proposed joint trading account would have a number of benefits, including the possibility of negotiating a rate of return on large repurchase agreements which is greater than that which can be negotiated on smaller repurchase agreements, and a reduction in the number of trade tickets which each bank or broker-dealer will have to write, with a concomitant reduction in the opportunities for errors.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than August 26, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the addresses stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21694 Filed 8-8-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13414 (812-5342)]

Investors Mutual, Inc., et al.; Order

July 29, 1983.

Investors Mutual, Inc., Investors Stock Fund, Inc., Investors Selective Fund, Inc., Investors Variable Payment Fund, Inc., IDS New Dimensions Fund, Inc., IDS Progressive Fund, Inc., IDS Growth Fund, Inc., IDS Bond Fund, Inc., IDS Cash Management Fund, Inc., IDS Tax-Exempt Bond Fund, Inc., IDS High Yield Tax-Exempt Fund, Inc., IDS Tax-Free Money Fund, Inc., IDS Discovery Fund, Inc., and IDS Government Securities Money Fund, Inc. ("Funds"), 1000 Roanoke Building, Minneapolis, MN 55402, 1940 ("Act") as an open-end, diversified, management investment company, and Investors Diversified Services, Inc., Minneapolis, MN 55402, each of which is registered under Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, and Investors Diversified Services, Inc., Minneapolis, MN 55402, the Funds' investment manager and principal undewriter (collectively with the Funds, "Applicants"), filed an application on October 14, 1982, and amendments thereto on December 23, 1982, and April 7, 1983, for an order pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder to permit Applicants to enter into and implement a proposed joint arrangement for allocating distribution expenses among the Funds, and pursuant to Section 6(c) of the Act exempting Applicants from Sections 22 (b), (c) and (d) of the Act and Rules 2a-4, 17d-1(a) and 22c-1 under the Act in connection with the proposed joint arrangement.

On May 26, 1983, a notice of the filing of the application was issued (Investment Company Act Release No. 13278). The notice gave interested persons an opportunity to request a hearing and stated that an order would be issued as of course unless a hearing should be ordered. No request for a hearing has been filed, and the Commission has not ordered a hearing.

On June 8, 1983, Applicants filed a third amendment to their application withdrawing their request for exemptive relief from Section 22(b) of the Act, and, in lieu thereof, substituting a request for an order, pursuant to Section 6(c) of the Act, exempting the distribution charges payable by each Fund under the proposed joint arrangement from the term "sales load" as defined in Section 2(a)(35) of the Act.[1] On July 29, 1983, Applicants filed a fourth amendment to their application undertaking to send a report to the Division, at the end of each of the first two years that the joint distribution arrangement is in effect, setting forth the findings of the Funds' boards of directors concerning the impact that the arrangement has had on the individual Funds. Those reports will include the following information: (a) as to each Fund whether a distribution plan was in effect with respect to that Fund for the preceding twelve month period and, if so, whether its directors have authorized the continuation of that plan for a further twelve month period and the terms of the distribution plan as so continued, if applicable; (b) the bases for the directors' decision to approve the continuation of each distribution plan; and (c) the procedures in effect for monitoring the implementation of the distribution plan for each Fund and the effect of that implementation on the Fund's sharholders in the preceding twelve month period, and any propsed modifications in those procedures.

The matter has been considered, and it is found that the granting of the requested exemptions is appropriate in the public interest and consistent with the protectionof investors and the purposes fairly intended by the policy and provisions of the Act. It is further found, on the basis of the information and undertakings contained in the application, that the participation of each Fund in the proposed joint arrangement, on the basis stated in the application, is consistent with the provisions, policies and purposes of the Act, and that such participation is on a basis not less advantageous than that of other participants. Accordingly,

It is ordered, pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder, that said application to permit Applicants to enter into and implement the proposed joint arrangement for allocating distribution expenses among the Funds be and hereby is granted.

It is further ordered, pursuant to Section 6(c) of the Act, that the application for exemption from the provisions of Sections 2(a)(35), 22(c) and 22(d) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent requested, be and hereby is granted.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21693 Filed 8-8-83; 8:45 am]

BILLING CODE 8010-01-M

[1] It is the Commission's view that the substitution of the Section 2(a)(35) relief for the Section 22(b) relief is merely a technical restructuring for a similar purpose and does not necessitate re-noticing of the application.

[Release No. 13418 (812-5567)]

MML Bay State Life Insurance Co., et al.; Application for Order

August 2, 1983.

Notice is hereby given that Massachusetts Mutual Life Insurance Company ("Mass Mutual"), MML Bay State Life Insurance Company ("MML Bay State"), MML Bay State Variable Life Separate Account I ("Account I"), a registered unit investment trust, MML

Managed Bond Investment Company, Inc., MML Money Market Investment Company, Inc., MML Equity Investment Company, Inc. (the latter three collectively referred to as "Funds" and all above hereinafter collectively referred to as "Applicants"), 1295 State Street, Springfield, Massachusetts 01111, filed an application on June 10, 1983 and an amendment thereto on July 11, 1983 for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") granting certain exemptions from the above-captioned provisions of the Act and pursuant to Section 11 of the Act approving the terms of certain exchange offers. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and rules thereunder for a statement of the relevant statutory provisions.

Applicants propose to offer certain variable life insurance policies funded by the Funds, which also serve as the underlying investment media for certain variable annuity contracts. Applicants note that the exemptions requested all are provided for in Rule 6e-2(b)(15) (i)-(iii) under the Act, but that these exemptions are not available to Applicants because the Funds will not offer their shares exclusively to variable life insurance separate accounts as required by Rule 6e-2(b)(15), *i.e.*, there will be "mixed funding." Applicants represent that the exclusivity requirement was probably designed to retain regulatory flexibility and to address areas of concern such as: (1) Conflicts of interest between a variable life separate account and other accounts where action regarding investment policies, investment advisers, or principal underwriters is taken by a state insurance regulator or where the life insurer acts contrary to actions approved by variable life policyholders as contemplated by Rule 6e-2(b)(15)(iii)(B); (2) possible adverse tax treatment arising from mixed funding; (3) possibly differing investment strategies for variable annuity contracts versus variable life policies; and (4) the propriety of mixed funding under state insurance laws.

Applicants state that in order to address the above concerns and any other concerns that might arise from mixed funding, and as support for their requested relief pursuant to Section 6(c), they consent to the conditions set forth in the application, which include, *inter alia*, the Boards of Directors of the Funds ("Boards"), constituted with a majority of disinterested directors, will monitor the Funds for the existence of any material irreconcilable conflict between the interests of variable life policyholders and the participants in any other separate accounts investing in the Funds; Mass Mutual and MML Bay State have obtained opinions of tax counsel stating that mixed funding will not result in adverse tax consequences either to variable life policyholders or to variable annuity contractholders; Mass Mutual and MML Bay State will be responsible for reporting any potential or existing conflicts to the Boards and will take appropriate remedial action, such as segregation of assets underlying the variable life insurance policies, if a conflict arises; and Mass Mutual and MML Bay State will be responsible for assuring that any account investing in the Funds is in compliance with applicable law including advising by letter the insurance department of each state in which the variable life policies are to be offered of the mixed funding and prior resolution of any state insurance department's objections to mixed funding. Subject to the conditions and procedures described in the application, Applicants believe that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants also seek an order pursuant to Section 11 to permit certain offers of exchange between the Funds, which will be made at the relative net asset value.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than August 24, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request shall be served personally or by mail on Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21668 Filed 8-8-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13413; 812-5562]

New England Mutual Life Insurance Co., New England Life Retirement Investment Account and NEL Equity Services Corp.; Order Approving the Terms of Certain Offers of Exchange

July 29, 1983.

New England Mutual Life Insurane Company, New England Life Retirement Investment Account, and NEL Equity Services Corporation 501 Boylston Street, Boston, Massachusetts 02117, filed an application on May 31, 1983 for an order amending a prior order of the Commission pursuant to Section 11 of the Act approving the terms of certain offers of exchange.

On July 1, 1983 a notice was issued (Investment Company Act Release No. 13371) of the filing of the application. The notice gave interested persons an opportunity to request a hearing and stated that an order disposing of the application would be issued as of course unless a hearing should be ordered. No request for a hearing has been filed, and the Commission has not order a hearing.

The matter has been considered and it is found that the granting of the application is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Accordingly,

It is ordered, pursuant to Section 11 of the Act, that the terms of the proposed offers of exchange be, and hereby are, approved, effective forthwith.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21679 Filed 8-8-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23019; (70-6883)]

Yankee Atomic Electric Co.; Proposal To Enter Into Revolving Credit and Term Loan Agreement

August 3, 1983.

Yankee Atomic Electric Company ("Yankee"), 1671 Worcester Road, Farmingham, Massachusetts 01701, is an electric utility subsidiary of New England Power Company ("NEPCO"),

the Connecticut Light & Power Company ("CL&P"), Western Massachusetts Electric Company ("WMECO") and seven other New England utilities. NEPCO is a subsidiary of New England Electric System, a registered holding company. CL&P and WMECO are subsidiaries of Northeast Utilities, a registered holding company. Yankee Atomic has filed an application-declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 and Rule 50(a)(2) thereunder.

Yankee Atomic proposes to enter into a revolving credit and term loan agreement ("Credit Agreement") with the National Bank of North America and the National Westminster Bank PLC ("Banks") pursuant to which Yankee Atomic proposes to issue notes up to $20 million. Through December 31, 1986, the borrowings will be on a revolving credit basis and will bear interest at Yankee Atomic's choice of several specified interest rates. Yankee Atomic will pay to the Banks a commitment fee, as specified in the Credit Agreement. On January 1, 1987, the outstanding balance of Yankee Atomic's borrowings under the Credit Agreement will be converted to a term loan through March 31, 1991 and will bear interest at Yankee Atomic's choice of several specified interest rates.

Based on full utilization of the credit line and a prime rate of 10.50%, a one year CD rate of 10%, and a one year LIBOR of 10.75%, the highest cost of borrowing would be 11.25% on a revolving basis and 11.375% on a term loan basis.

As security to the Banks for payment of borrowings under the Credit Agreement and all other obligations of Yankee Atomic thereunder, it proposes to assign to the Banks its rights under power contracts between Yankee Atomic and each of its customers. Yankee Atomic previously assigned its rights under these power contracts to other banks in connection with Yankee Atomic's financing in 1981. Yankee Atomic proposes that the Banks and the other banks will equally share the security of the power contracts.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by August 29, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21887 Filed 8-8-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20030; File No. NYSE-83-28]

Self-Regulatory Organizations; Proposed Rule Changes by New York Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 17, 1983, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule changes consist of a change to the Supplementary Material to Rule 495 as set forth at paragraph 2495B.10 of the Exchange Rules, modifying the Exchange policy concerning minimum numerical standards of eligibility for listing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* The Exchange has, since 1971, utilized existing listing standards to determine the eligibility status of companies seeking listing. These standards have focused primarily on demonstrated earnings power, stock distribution and aggregate market value. Since the mid-seventies, however, there have been dramatic changes in the market environment in terms of higher securities prices, the emergence of high growth industries and broadened shareownership. The dramatic increase of public ownership of securities has been documented in an Exchange study on shareownership issued in 1981 and updated in 1982.[1] This trend has prompted the Exchange to review existing standards, which in turn has resulted in the proposed modifications set forth below.

The changing market conditions described in the preceding paragraph serve as a basis for increasing the Exchange's public shares and market value listing criteria. The proposed increase in public shares is 10 percent, from 1,000,000 to 1,100,000 shares. The aggregate market value criterion is currently $16,000,000 and would increase to $18,000,000 with a corresponding increase in net tangible assets standard which has historically been utilized as another measure of size.

Alternate distribution standards are proposed recognizing that many companies today display more broadly-based shareownership, which in turn has helped to generate higher levels of trading volume. Therefore, just as round lots and public shares have historically been representative indicators of public interest in corporate securities, trading volume and total shareholders now serve as additional measures in determining the depth of public investor participation. Proposed alternate distribution standards combine a minimum of 2,200 total shareholders and 100,000 shares in average monthly trading volume during the six-month period immediately prior to evaluation of listing eligibility.

Just as the securities industry has experienced dramatic changes since the mid-seventies, so too have other segments of the economy. During this period of time, a number of high growth industries have emerged and along with them high-quality growth companies. Proposed alternate financial standards are designated to provide for these companies while preserving the high standards of the Exchange. The

[1] "Survey of Shareownership, 1981," published 1982.

proposed standards require a minimum of $6,500,000 aggregate pre-tax profit for the last three years. Eligibility under this criteria is contingent upon each year being profitable with a minimum pre-tax income of $4,500,000 in the most recent fiscal year.

Certain industries are historically valued on a cash flow basis e.g., natural resources industries. Existing listing standards, which focus on pre-tax income, have not taken this alternate performance measurement into consideration. Therefore, proposed cash flow criterion would require an average cash flow (net income plus non-cash charges disclosed as "funds provided from operations" in the statement of changes in financial position) of $6,500,000 over the three most recent fiscal years. All three years must be profitable and there must be a minimum cash flow of $6,500,000 in the most recent year.

Companies which have previously been listed on the Exchange currently must requalify for listing under original listing standards. Proposed alternate relisting standards provide for an aggregate pre-tax income of $4,500,000 in the last three years with a minimum pre-tax level of $2,500,000 in the most recent interim six months.

In the opinion of the Exchange, the proposed modifications to the listing standards are consistent with the changing market environment i.e., broadened shareownership, higher price thresholds and the emergence of high growth industries. The Exchange believes that these standards reflect its continued commitment to maintaining the highest level of listing criteria, thus fostering investor confidence in NYSE-listed securities.

The statutory basis for the proposed changes is Section 6(b)(5) of the Securities Exchange Act of 1934 as amended ("the Act").

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The proposed rule changes will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.* The Exchange has neither solicited nor received written comments with respect to the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

With 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes; or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communication relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication. For the Commission by the Division of Market Regulation pursuant to delegated authority.

Dated: August 1, 1983.

George A. Fitzsimmons,

Secretary.

Exhibit A

Additions italacized; deletions [bracketed].

Rule 495. Standards of Eligibility for Listing

* * * * *

4958 Minimum Numerical *and Alternate* Standards

* * * Supplemental Material:

.10 Distribution [and value].—

Number of stockholders

(The number of beneficial holders of stock held in the name of NYSE member organizations will be considered in addition to holders of record. NYSE will make any necessary check to such holdings.)

Holders of 100 shares or more	2,000
or	
Total stockholders	*2,200*
together with	
Average monthly trading volume (for most recent 6 months)	*100,000*
Number of shares publicly held [1,000,000]	*1,100,000*

Where there is an indication of a lack of public interest in the securities of a company—evidenced for example by low trading volume on another exchange, lack of dealer interest in the over-the-counter market, unusual geographic concentration of holders or shares, slow growth in the number of shareholders, low rate of transfers, etc.—higher distribution standards may be required to be met. In this connection, particular attention will be directed to the number of holders of from 100 to 1,000 shares and the total number of shares in this category.

.20 Value.—

Market value of publicly-held shares, subject to adjustment depending on market conditions, within the following limits

Maximum [$16,000,000 [1]]	[1] *$18,000,000*
Minimum [$8,000,000]	*9,000,000*

(While greater emphasis is placed on market value an additional measure of size is [$16] *$18* million net tangibile assets)

[1] Value subject to adjustment as described below:

Calculation of Adjustment

On [anuary 15 and July 15 of each year the New York Stock Exchange Composite Index, at the close of business for that date, or the next succeeding business day if the Exchange is closed, is divided by the base value of 55.06. [the NYSE Composite Index for July 15, 1971 [and also the date upon which the $16,000,000 standard was adopted]] and then multiplied by the [$16,000,000] *$18,000,000* standard, and then rounded to the nearest $100,000.

[Example: NYSE Composite Index July 15, 1975

51.25 = 93.1% × $16,000,000 = $14,900,000

NYSE Composite Index Base Year 55.06]

The adjustment is made only when the Composite Index is lower than that of the base value, and is limited to a maximum reduction of 50% to [an $8,000,000] *a $9,000,000* standard, and will be in effect for the succeeding six months following the calculation.

.30 Demonstrated Earnings Power.—

Demonstrated earnings power before federal income taxes and under competitive conditions	
Latest fiscal year	$2,500,000
Each of preceding two years	2,000,000

Demonstrated earnings power before federal income taxes and under competitive conditions	
Aggregate for last 3 fiscal years	*6,500,000*
together with	
A minimum in most recent fiscal year (All 3 years must be profitable.)	*4,500,000*
or	
Companies within industries which are historically valued on a cash flow basis or where net income is a more relevant measure of performance may financially qualify under the following standards:	
Cash Flow (Net income plus non-cash charges disclosed as "funds provided from operations" in the statement of changes in financial position)	
Average for 3 most recent fiscal years	*6,500,000*
together with	
A minimum in most recent fiscal year (All 3 years must be profitable)	*6,500,00*
or	
Companies that have previously been listed on the Exchange may financially qualify for relisting under the following standards:	
Demonstrated earnings power before federal income taxes and under competitive conditions	
Aggregate for last 3 fiscal years	*4,500,000*
together with	
A minimum in the most recent interim 6 month period of current fiscal year	*2,500,000*

[FR Doc. 83-21685 Filed 8-8-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23017; (70-6505)]

West Penn Power Co.; Supplemental Order Authorizing Pollution Control Financing; Reservation of Jurisdiction

August 1, 1983.

West Penn Power Company ("West Penn"), an electric utility subsidiary of Allegheny Power System, Inc., a registered holding company, has filed a post-effective amendment to an application-declaration previously filed with this Commission pursuant to Sections 6(a), 7, 9(a), 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

By order dated December 8, 1980 (HCAR No. 21830), May 11, 1981 (HCAR No. 22045), February 9, 1983 (HCAR No. 22849), and March 28, 1983 (HCAR No. 22894), West Penn was authorized to enter into a series of pollution control financings for its Mitchell Power Station located in Washington County, Pennsylvania ("Facilities"). As a result of these transactions an aggregate principal amount of $61,500,000 of Series B and C bonds was issued by the Washington County Industrial Development Authority ("Authority"), and West Penn was authorized to deliver its long-term promissory notes to the Authority corresponding to the bonds.

At this time the Authority proposes to issue $15,150,000 aggregate principal amount of its long-term bonds ("Series D Bonds") maturing August 1, 1986 and bearing interest at 6.875% per annum. The Series D Bonds will not have a sinking fund and will not be callable for redemption. The Series D Bonds will be offered at par plus accrued interest from August 1, 1983 through Goldman, Sachs & Co., Salomon Brothers Inc. and Smith Barney, Harris Upham & Co. Incorporated, as underwriters. West Penn will apply the $14,922,750 proceeds of the issue (98.50% of par after deduction of the underwriters discount of 1.50%) to the payment of the expenses of the issue of the Bonds and the cost of the Facilities. West Penn will deliver to the Trustee concurrently with the issuance of the Series D Bonds its non-negotiable Series D pollution control note corresponding to such bonds in respect of principal amount, interest rate, redemption provisions and other terms. The note will be secured by a second lien on the Facilities and certain other properties, pursuant to the Mortgage and Security Agreement delivered by West Penn to the Trustee creating a mortgage and security interest in the Facilities and certain other property (subject to the lien securing West Penn's first mortgage bonds). The notes will not constitute unsecured debt within the meaning of the provisions of West Penn's charter. West Penn has been advised that the annual interest rate on tax exempt bonds has been approximately 1% to 3% lower than the interest rate on taxable obligations of comparable quality, depending upon the type to be sold by the Authority.

The Pennsylvania Public Utility Commission has authorized the proposed transactions. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred in connection with the Series B, C, and D Bonds will be filed by post-effective amendment.

Due notice of the filing of said amended application-declaration has been given in the manner precribed in Rule 23 promulgated under the Act (HCAR Nos. 22742 and 22891), and no hearing has been requested of or ordered by the Commission. Upon the basis of the facts in the record, it is hereby found that the applicable standards of the Act and the rules thereunder are satisfied:

It is ordered, pursuant to the applicable provisions of the Act and rules thereunder, that said amended application-declaration, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule 24 under the Act.

It is further ordered that jurisidiction be, and it hereby is, reserved with respect to the fees, commissions, and expenses to be incurred in connection with the Series B, C, and D Bonds.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21682 Filed 8-8-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20042; File No. SR-Amex-83-17]

Filing and Immediate Effectiveness of Proposed Rule Change by American Stock Exchange, Inc.

August 3, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 25, 1982, the American Stock Exchange, Inc. ("Amex") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The NYSE proposes to impose a regulatory charge on its members and member organizations to replace a regulatory fee previously received from the National Securities Clearing Corporation ("NSCC"). The Amex has noted in its filing that when Amex, the New York Stock Exchange, Inc. and the National Association of Securities Dealers consolidated their respective clearing affiliates into the NSCC in 1977, it was recognized that these affiliates had been a source of revenue which had been used to defray some of the self-regulatory costs incurred by their parent organizations. According to the Exchange the agreements that

established the NSCC provided that the two exchanges and the NASD should continue to receive some revenues from clearing operations to help support regulatory activities.[1] Specifically, it was provided that the Ames, NYSE and NASD each be paid 12¢ a side for each round-lot equity transaction executed in their respective markets and cleared through NSCC. This provision of the agreement terminated on July 1, 1983. The Exchange states that it is imposing a replacement charge in order that it can continue to receive this revenue to fund its regulatory activities. The Amex states that the charge will be imposed on members and member organizations, pursuant to Article VII, Section 4 of the Amex Constitution, for each transaction executed on the Exchange, equal to .00225% of the compared share value of such trade. According to Amex, the statutory basis for the proposed rule change is Section 6(b)(4) of the Act.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-Ames-83-17.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room 450 5th Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21688 Filed 8-8-83; 8:45 am]

BILLING CODE 8010-01-M

[1] According to Amex, the original agreement stipulated a maximum amount individual exchanges could receive from this fee in any given year. Since 1977, these maximum levels have been $3,000,000 for the NYSE, $1,000,000 for the NASD and $550,000 for the Amex.

[Release No. 20040; (SR-Amex-83-13)]

American Stock Exchange, Inc.; Order Approving Proposed Rule Change

August 2, 1983.

The American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, NY 10006, submitted on June 6, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to enlarge the Amex Board of Governors' discretion to lower or waive fees charged in connection with permits to trade options on fixed income securities and as to the duration of such permits. The proposed rule change would also remove a restriction providing that permit holders may act as specialists in fixed income security options only during their initial year as permit holders. The Board of Governors has already adopted a resolution, pending Commission approval of the proposed rule change, waiving for a two-year period the $15,000 annual specialist fee on permits issued under the current offering program.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19901, June 21, 1983) and by publication in the **Federal Register** (48 FR 29767, June 28, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21689 Filed 8-8-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20022/July 29, 1983; File No. SR-MCC-83-5]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Clearing Corp., Relating to Proposed Amendments to MCC's By-Laws

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 552, 78s(b)(1), notice is hereby given that on July 25, 1983 the Midwest Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached to the filing as Exhibit A is the text of the proposed amendments to the Midwest Clearing Corporation By-Laws. These amendments are being submitted to conform MCC's By-Laws with the SEC's requirements for permanent registration of clearing agencies.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries set forth in Sections (A), (B), and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change. The purpose of the proposed amendments, enumerated below, is to conform the Midwest Clearing Corporation's By-Laws with the SEC's requirements for permanent registration of clearing agencies.

Article 3

Sec. 3.1—This section has been amended to remove the president of the majority shareholder from the Board and to add one position for Class I directors.

Sec. 3.2—This section has been added to provide for a Nominating Committee which will select candidates with a view towards providing fair representation for the interests of a cross section of the Participants of the Corporation. The amendment also provides procedures for nominations by Participants.

Sec. 3.11 (Formerly Sec. 3.10)—This section has been amended to make reference to the Nominating Committee.

Article 4A

This Article has been added to provide for a Nominating Committee, describe the make-up of the Committee and the procedures for electing the members.

The proposed amendments are consistent with Section 17A(b)(3) of the Securities Exchange Act of 1934, in that it assures a fair representation of its shareholders and participants in the selection of its directors.

(B) Self-Regulatory Organization's Statement on Burden on Competition. The Midwest Clearing Corporation does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.* Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 29, 1983.

George A. Fitzsimmons,

Secretary.

Exhibit A—Midwest Clearing Corporation Proposed Amendments to By-Laws

Additions italicized—[Deletions Bracketed].

Article 3

Directors

Number [, Election] and Term of Office.

Sec. 3.1 The number of directors which shall constitute the whole board shall be twenty-seven. The chairman of the board, the vice chairman of the board [,] *and* the president [and the president of the majority shareholder] shall be directors ex-officio. They shall become directors upon election to their respective offices and shall remain directors for as long as they shall continue to hold such offices. The other [twenty-three] *twenty-four* directors shall be divided into three classes, to be known as Class I, which shall consist of [seven] *eight* directors, Class II, which shall consist of eight directors, and Class III, which shall consist of eight directors, respectively, and except as provided in Section 3. [2] *3* of this Article, shall be elected as provided in [this] Section 3. [1]*2*. The term of office of the initial Class I directors shall expire at the annual meeting of stockholders in 1975, the term of office of the initial Class II directors shall expire at the annual meeting of stockholders in 1976, and the term of office of the initial Class III directors shall expire at the annual meeting of stockholders in 1977, or thereafter in each case when their respective successors are elected and qualified. At each annual meeting of stockholders held thereafter the directors chosen to succeed those whose terms then expire shall be identified as being of the same class as the directors they succeed and shall be elected for a term expiring at the third succeeding annual meeting of stockholders or until their respective successors in each case are thereafter elected and qualified. Directors need not be stockholders.

Election of Directors

Sec. 3.2 The Directors shall be appointed by the sole shareholder, the Midwest Stock Exchange, pursuant to the following procedures:

1. Not later than thirty days before each annual meeting of shareholders, the Nominating Committee shall nominate (by delivering to the Secretary of the Corporation):

(i) that number of Directors required to replace those Directors whose terms are then expiring;

(ii) that number of Directors required to fill any vacancies on the Board of Directors to serve for any unexpired term;

(iii) three members of the Nominating Committee to act in connection with the next following annual meeting.

The Nominating Committee shall select candidates with a view towards providing fair representation for the interests of a cross section of the Participants of the Corporation. The Secretary shall mail copies of the list of nominations to each Participant of the Corporation. Participants shall have the right to nominate additional persons by filing with the Secretary, not less than twenty days prior to the annual meeting, a petition signed by not less than ten Participants.

2. In the event that no nominating petitions are filed within the time prescribed above, the sole shareholder shall, at the annual meeting, appoint as Directors the individuals named in the list of nominations mailed to Participants; provided that if any such individual shall at that time be unable or unwilling to serve, that individual's position shall be left vacant until the first meeting of directors following the annual meeting of shareholders. Scuh position may be filled by a majority of the directors then in office, although less than a quorum, or by a sole remaining director, and any director so chosen shall hold office until the next election of directors of the class for which he shall have been chosen and

until his successor is duly elected and qualified.

3. In the event that one or more nominating petitions are filed within the prescribed time, the sole shareholder shall, at the annual meeting, elect Directors and members of the Nominating Committee from among those individuals nominated either by the Nominating Committee or by petition, and such Directors shall be elected with a view towards providing fair representation of the interests of a cross section of Participants of the Corporation.

Vacancies

Sec. [3.2] *3.3* No change in text.

Powers

Sec. [3.3] *3.4* No change in text.

Place of Meetings; Mode

Sec. [3.4] *3.5* No change in text.

Regular Meetings

Sec. [3.5] *3.6* No change in text.

Special Meetings

Sec. [3.6] *3.7* No change in text.

Quorum

Sec. [3.7] *3.8* No change in text.

Informal Action

Sec. [3.8] *3.9* No change in text.

Presumption of Assent

Sec. [3.9] *3.10* No change in text.

Committees

Sec. [3.10] *3.11* In addition to the executive committee *and the nominating committee* for which provision is made by Article 4 *and Article 4A* of these by-laws the board of directors may, by resolution passed by a majority of the whole board, designate one or more other committees (in addition to the executive committee *and the nominating committee*), each committee to consist of one or more of the directors of the corporation, which, to the extent provided in the resolution, shall have and may exercise the powers of the board of directors in the management of the business affairs of the corporation and may authorize the seal of the corporation to be affixed to all papers which may require it; but no such committee shall have the power or authority of the board in reference to amending the certificate of incorporation, adopting an agreement of merger or consolidation, recommending to the stockholders the sale, lease or exchange of all or substantially all of the corporation's property and assets, recommending to the stockholders a dissolution of the corporation or a revocation of a dissolution, or amending the by-laws of the corporation; and, unless the resolution or these by-laws expressly so provide, no such committee shall have the power or authority to declare a dividend or to authorize the issuance of stock. Such committee or committees shall have such name or names as may be determined from time to time by resolution adopted by the board of directors and the board may designate one or more directors as alternate members of the committee. Additionally, in the absence or disqualification of any member of such committee or committees, the member or members thereof present at any meeting and not disqualified from voting, whether or not he or they constitute a quorum, may unanimously appoint another member of the board of directors to act at the meeting in the place of any such absent or disqualified member.

Committee Records

Sec. [3.11] *3.12* No change in text.

Compensation

Sec. [3.12] *3.13* No change in text.

ARTICLE 4A

Nominating Committee

Sec. 4A. There shall be a Nominating Committee composed of three members elected at each annual meeting of the Corporation from among general partners and officers of Participants who do not hold any other office in the Corporation. Any vacancy upon the Nominating Committee shall be filled by the remaining members of the Nominating Committee from among persons who would have been eligible for election to such position at the preceding annual meeting. No member of the Nominating Committee in any year shall be eligible for election to any office or position in the Corporation for the ensuing year nor shall serve as a member of the Nominating Committee for two successive years.

[FR Doc. 83-21693 Filed 8-8-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20039; SR-MSRB-83-4]

Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

August 2, 1983.

The Municipal Securities Rulemaking Board ("MSRB"), 1150 Connecticut Avenue, N.W., Washington, D.C. 20006, submitted a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder on May 17, 1983, to amend MSRB Rule G-12, Sections (e) and (g), which prescribe the standards constituting good delivery of registered municipal securities. The proposed rule change would require a security to be registered in the name of either an individual or individuals, a nominee, a fiduciary named on the certificate, or a municipal securities broker or municipal securities dealer whose signature is on file with the transfer agent, in order to be acceptable for delivery purposes. In addition, securities registered in the name of other types of persons or entities for which documentation in addition to the completed securities assignment is required to transfer the securities, such as a security registered in corporate name, would be considered unacceptable for delivery purposes unless the parties agreed otherwise at the time of the trade. The proposed rule change also makes technical amendments to permit securities to be registered in more than one person's name and provides that a delivery of registered securities may be reclaimed in the event that the transfer agent refuses to transfer the securities for inadequate documentation.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 19788, May 19, 1983) and by publication in the **Federal Register** (48 FR 25040, June 3, 1983). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21691 Filed 8-8-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20038; SR-NASD-83-16]

National Association of Securities Dealers, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change by the National Association of Securities Dealers, Inc.

August 2, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 20, 1983, the National Association of Securities Dealers, Inc. ("NASD"), 1735 K Street, N.W., Washington, DC 20006, filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would adapt the language of the NASD's Rules of Fair Practice to reflect the options disclosure system adopted by the Commission on September 16, 1982,[1] and the introduction of options disclosure documents under that system. The proposed rule change would also require members to observe the standards of Commission Rules 134 and 134a in their advertisements and other options-related communications with the public.[2]

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, Washington, DC 20549. Reference should be made to File No. SR-NASD-83-16.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered securities associations and in particular, the requirements of Section 15A and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in that similar rules for other self-regulatory organizations have previously been proposed, published for comment, considered by the Commission and approved.[3] Because the current rule proposal raises no new issues, and to avoid confusion of NASD members and the public while NASD rules are brought into alignment with those of the Commission and of other self-regulatory organizations, accelerated approval is appropriate.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21860 Filed 8-8-83; 8:45 am]

BILLING CODE 8010-01-M

[1] Securities Exchange Act Release No. 19055, 47 FR 41950 (September 23, 1982).

[2] An earlier rule change proposal on the same subject, SR-NASD-83-2, was filed on March 9, 1983, and withdrawn by the present filing.

[3] *See* Securities Exchange Act Release Nos. 19156 (October 19, 1982), 47 FR 49125 (October 29, 1982) (SR-CBOE-82-14 SR-Amex-82-13, SR-Phlx-82-11); 19309 (December 8, 1982), 47 FR 56235 (December 15, 1982) (SR-CBOE-82-9); 19325 (December 10, 1982), 47 FR 56782 (December 20, 1982) (SR-Phlx-82-13).

[Release No. 20023; (SR-NYSE-83-27)]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

July 29, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 15, 1983, the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, NY 10005, filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The NYSE proposes to extend the pilot program testing the operation of enhancements to the Automated Bond System ("ABS")[1] until October 15, 1983. The pilot program was scheduled to expire on July 15, 1983. The ABS enhancements as approved in NYSE-82-11 consist of a pilot program whereby a universal contra party name is used: (1) To compare transactions effected by matching orders through the ABS, and (2) to automate submission of trade data entered in the ABS to comparison.[2] The NYSE has noted in its filing that the pilot program was originally intended to run one year, from July 15, 1982 to July 15, 1983, but that due to certain technical difficulties, the ABS enhancements were nonoperational from late June 1982 to mid-November 1982. According to the Exchange, the extension of the pilot program to October 15, 1983 will permit the ABS Enhancements to be tested in actual operation, for a one year period, as contemplated by the initial filing.

The NYSE states in its filing that the statutory basis for the proposed rule change is Section 6(b)(5), Section 11A(a)(1), and Section 17A(a) of the Act.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-NYSE-83-27.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with

[1] The Commission approved the adopted of the pilot program (SR-NYSE-82-11) on July 14, 1982 (Securities Exchange Act No. 18890, July 14, 1982; 47 FR 32674, July 28, 1982).

[2] The original filing of NYSE-83-11 noted that the pilot program would require modification to certain NYSE rules prior to Commission approval of the program on a permanent basis, and that any necessary changes to its rules would be submitted to the Commission during the pilot program.

the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the Rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the proposed rule change would allow the Exchange to further monitor the operation of the ABS enhancements and a further extension of the pilot program will permit the Exchange to file with the Commission any necessary modifications to NYSE rules as well as any modifications to the ABS enhancements prior to Commission approval on a permanent basis. Therefore, the Commission believes it is appropriate to extend the pilot program until October 15, 1983.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-21694 Filed 8-8-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

767 Limited Partnership; Application for License To Operate as a Small Business Investment Company

[Application No. 02/02-0464]

An application for a license to operate a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*) has been filed by 767 Limited Partnership (767 Third Avenue, New York, New York 10017, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102(1983).

767 Limited is a limited partnership. The sole limited partner of the Applicant is Farah, N.V., a Netherlands Antilles corporation contributing 99 percent of the partnership capital. The general partners of the Applicant, jointly contributing 1 percent of the partnership capital are Messrs. Harvey Wertheim and Harvey Mallement. The Applicant will be managed by Messrs. Wertheim and Mallement, doing business as Harvest Ventures, Inc. under a management contract.

The officers, directors and sole shareholder of Harvest Ventures, Inc. are as follows:

Harvey J. Wertheim, 25 Pond Park Road, Great Neck, New York 11023, President and Managing Director, 100%

Harvey Mallement, 3 Crossroad Road, Great Neck, New York 11023, Managing Director

The Applicant proposes to begin operations with $1,000,000 paid-in capital and paid-in surplus. 767 Limited will conduct its activities principally in the state of New York.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is hereby given that any person may not later than 15 days from the date of publication of this notice submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: August 1, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-21666 Filed 8-8-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular—Public Debt Series—No. 22-83]

Notes; Series N-1986; Interest Rate

The Secretary announced on August 2, 1983, that the interest rate on the notes designated Series N-1986, described in Department Circular—Public Debt Series—No. 22-83 dated July 28, 1983, will be 11⅜ percent. Interest on the notes will be payable at the rate of 11⅜ percent per annum.

Washington, August 3, 1983.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-21590 Filed 8-8-83; 8:45 am]

BILLING CODE 4810-40-M

Customs Service

[T.D. 83-154]

Decision Concerning Domestic Interested Party Petition Requesting Reclassification of Certain Glassware

AGENCY: Customs Service, Treasury.

ACTION: Notice of decision on petition; correction.

SUMMARY: In FR Doc. 83-20037 appearing as T.D. 83-154 on page 33792 in the issue of Monday, July 25, 1983, the effective date of that notice as to the reclassification of certain glassware was erroneously stated to be August 24, 1983, *i.e.*, 30 days after the date of publication of the notice in the **Federal Register**. The correct effective date of the decision will be September 10, 1983, the thirty-first day after the date of publication of T.D. 83-154 in the *Customs Bulletin*, rather than the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lindmeier, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-2938).

Dated: August 3, 1983.

Marvin M. Amernick,

Acting Director, Regulations Control and Disclosure, Law Division.

[FR Doc. 83-21660 Filed 8-8-83; 8:45 am]

BILLING CODE 4820-02-M

UNITED STATES INFORMATION AGENCY

Reporting and Recordkeeping Requirement Under OMB Review

AGENCY: United States Information Agency.

ACTION: Notice of reporting requirement 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 or established 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. USIA is requesting approval of its information collection on practical training programs.

DATE: Comments must be received by September 9, 1983.

COPIES: Copies of the request for clearance (S.F. 83), supporting statement, instructions, transmittal letter 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 OMB Reviewer.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer: Charles N. Canestro, U.S. Information Agency, M/M, 400 C Street, SW., Washington, D.C. 20547, Telephone (202) 485-8676, and OMB Reviewer: David S. Reed, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503, Telephone (202) 395-7231.

SUPPLEMENTARY INFORMATION: Title: Annual Report on Practical Training Programs Form Number: No form used for this information collection. Abstract: There are several categories of exchange-visitors who come to the United States each year under the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256). One of these is called the practical trainee, who comes to the U.S. for on-the-job training. Where such employment may affect American job seekers, sponsors of these trainees are required to provide a reciprocal number of opportunities for on-the-job training to U.S. citizens. Sponsors must submit an annual report to USIA indicating the number of trainees participating in the program.

Dated: August 4, 1983.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 83-21591 Filed 8-8-83; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 154
Tuesday, August 9, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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CIVIL AERONAUTICS BOARD

[M-386, August 3, 1983]

TIME AND DATE: 9:30 a.m., August 10, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. Dockets 40621, 41278 and EAS-275, Essential air service for St. George, Alaska. (BDA, OCCCA)
3. Docket EAS-755, Essential air service for Waycross, Georgia, under section 419(b), Request for instructions. (BDA, OCCCA)
4. Docket 41030, Notice of Air Midwest to suspend service at Garden City, Dodge City, Hutchinson, Parsons, Great Bend, Goodland, and Hays, Kansas, and Lamar, Colorado. (BDA, OCCCA)
5. Dockets 41228 and EAS-509, Notice of Southern Jersey Airways, Inc. to suspend service at Trenton, New Jersey. (BDA, OCCCA)
6. Docket EAS-388, Appeal of the essential air service determination for Lewiston, Idaho/Clarkston, Washington, filed by the City of Lewiston. (Memo 077-A, BDA, OGC, OCCCA)
7. Commuter carrier fitness determination of Flight Line, Inc. (BDA)
8. Docket 41452, Delta Development Corp. d/b/a Western Yukon Air, continuing fitness. (Memo 1822-A, BDA, OGC)
9. Docket 41429, Application of Jet East, Inc., for a certificate under section 418 to provide domestic all-cargo service and authority to conduct DOD charters. (BDA)
10. Docket 38140, Air Midwest, Inc., Application for compensation for losses at Enid and Ponca City, Oklahoma. (BDA, BCAA, OCCCA, OC)
11. Docket 40210, Metro Airlines' application for compensation for losses at Lawton, Oklahoma. (BDA, OCCCA, BCAA, OC)
12. Exemptions to provide long-term domestic cargo service to the Department of Defense. (OGC, BDA)
13. Docket 27114, *Pan America-TWA Route Exchange Agreement*—Motion to set aside arbitrator's awards and for other relief. (OGC)
14. Docket 41546, *Republic-Hughes Airwest Acquisition: Petition of James Weiss*, petition for arbitration under labor protective provisions. (Memo 1955, OGC)
15. Docket 33283, *Pan American-Acquisition of Control of and Merger with National*, Robert Wallace's petition for reconsideration of Order 83-5-99 vacating an arbitrator's award granting him LPP benefits. (Memo 385-H, OGC)
16. Docket 40524, *Independent Air Inc., Fitness Investigation*. (OGC)
17. Docket 21670, *Frontier Airlines, Inc. Subsidy Mail Rates. (OGC)*
18. Docket 41221, *California-Alberta Service Case;* Order on Discretionary Review. (Memo 1645-A, OGC)
19. Docket 41207, Options for Board Action on Cumputer Reservation Bias. (OGC, BDA)
20. Docket 41066, Application of Empresa Guatemalteca de Aviacion (AVIATECA) to amend its foreign air carrier permit. (Memo 1952, BIA, OGC, BALJ)
21. Docket 41025, Application of Minerve, Compagnie Francaise de Transports Aeriens, S.A. for an initial foreign air carrier permit. (Memo 1953, BIA, OGC, BALJ)
22. Docket 39529, Application of Spantax, S.A. to renew and amend its foreign air carrier permit to operate charters between Spain and the United States. (Memo 1954, BIA, OGC, BALJ)
23. Docket 38285, Application of AECA for a foreign air carrier permit; petition for reconsideration of Order 82-1-8 granting the permit application. (Memo 625-C, BIA, OGC)
24. Docket 40831, Application of Arrow Air, Inc. for a certificate of public convenience and necessity (Denver-London). (Memo 1487-B, BIA, OGC, BALJ)
25. Dockets 41433, 41494, 41465, 41493, Application of American Airlines, Pacific Express, Cascade Airways, United Air Lines for certificates of public convenience and necessity Spokane/Edmonton/Calgary). (Memo 1958, BIA, OGC, BALJ)
26. Docket 41323, Application of China Airlines, Ltd., for exemption from section 402 of the Federal Aviation Act of 1958, as amended and Part 222 of the Board's Regulations (Intermodal cargo services). (Memo 1951, BIA, OGC)
27. Docket 35534, Agreement 28941, IATA agreement proposing a new tariff integrity resolution. (Memo 1761-A, BIA)
28. IATA agreements establishing a fare structure to apply in most North/Central Pacific markets through March, 1984 (to/from Japan through December, 1983). (Memo 1957, BIA)
29. Docket 35634, Agreement 29041, IATA agreement proposing new cargo rate revisions for most North/Central Pacific and South Pacific routes. (Memo 1959, BIA)
30. Discussion on U. K. Negotiations. (BIA)
31. Discussion on Italy. (BIA)
32. Discussion on France. (BIA)
33. Discussion on Netherlands-Antilles. (BIA)
34. Discussion on Israel. (BIA)
35. Discussion on Philippines. (BIA)

STATUS: 1-29 open, 30-35 closed.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1139-83 Filed 8-4-83; 4:23 pm]

BILLING CODE 6320-01-M

2

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:00 a.m., August 8, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED:

1. Fifty-Mile Container Rules.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1140-83 Filed 8-4-83; 4:23 pm]

BILLING CODE 6730-01-M

3

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: 10 a.m., Monday, August 15, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 542-3204.

Dated: August 5, 1983.

James McAfee,

Associate Secretary of the Board.

[S-1141-83 Filed 8-5-83; 3:46 pm]

BILLING CODE 6210-01-M

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FEDERAL REGISTER PAGES AND DATES, AUGUST

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.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

List of Public Laws

Last Listing August 8, 1983

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202-275-3030).

H.R. 2973 / Pub. L. 98-67 To promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region, to provide for backup withholding of tax from interest and dividends, and for other purposes. (Aug. 5, 1983; 97 Stat. 369) Price: $3.25