

Federal Register

OK
Thursday
August 11, 1983

Selected Subjects

Administrative Practice and Procedure
Patent and Trademark Office

Air Traffic Control
Federal Aviation Administration

Anchorage Grounds
Coast Guard

Aviation Safety
Federal Aviation Administration

Bicycles
Federal Highway Administration

Bridges
Coast Guard

Charter Flights
Civil Aeronautics Board

Marine Safety
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Marketing Agreements
Agricultural Marketing Service

Milk Marketing Orders
Agricultural Marketing Service

Navigation (Water)
Coast Guard

Organization and Functions (Government Agencies)
Immigration and Naturalization Service

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Selected Subjects

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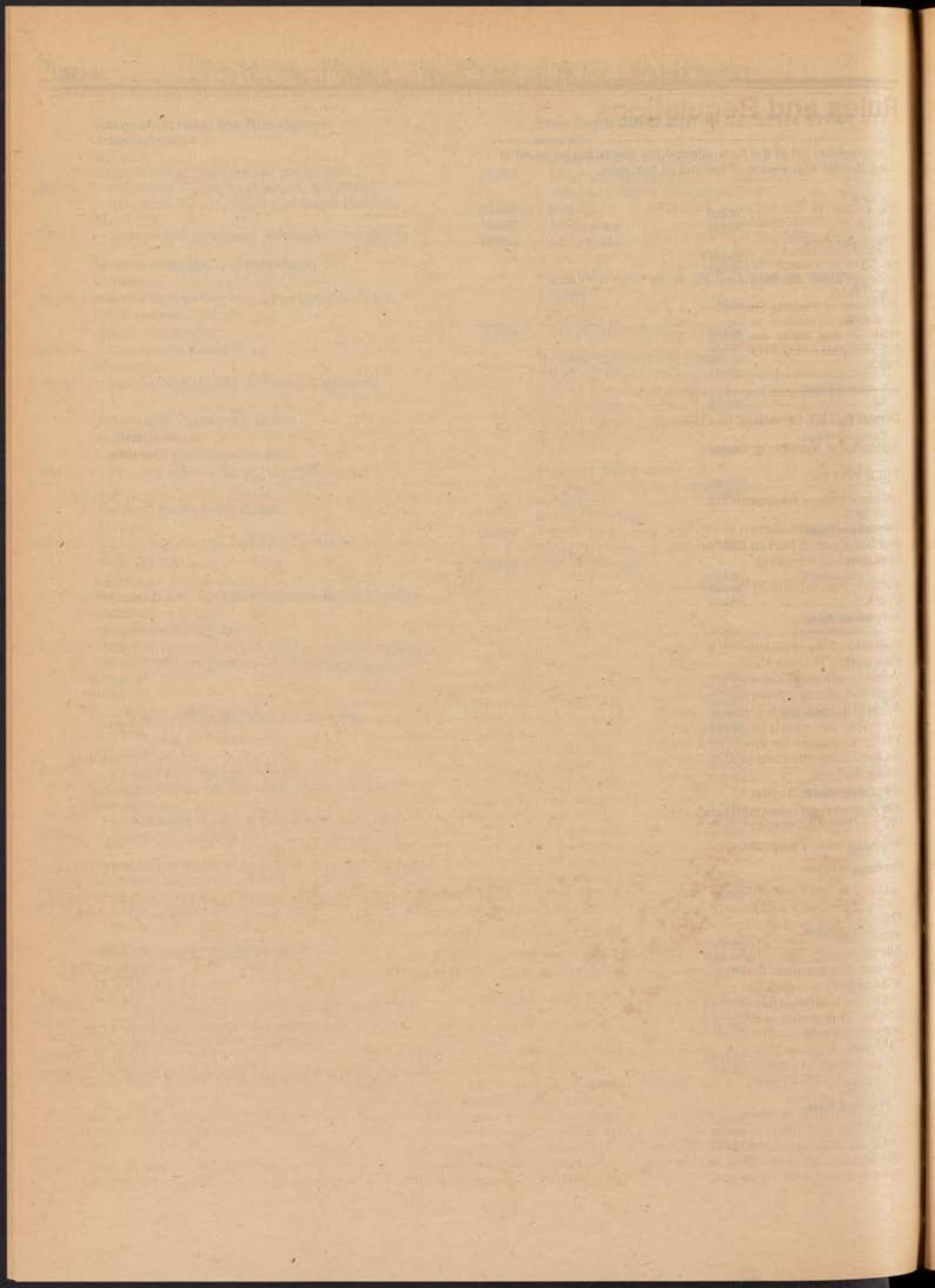
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

(Valencia Orange Regulation 312)

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 12-August 18, 1983. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: August 12, 1983.

FOR FURTHER INFORMATION CONTACT:

William J. Doyle, 202-447-5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona Valencia orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and

designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982-83. The marketing policy was recommended by the committee following discussion at a public meeting on February 22, 1983. The committee met again publicly on August 9, 1983 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is steady.

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

List of Subjects in 7 CFR Part 908

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

PART 908—[AMENDED]

1. Section 908.612 is added as follow:

§ 908.612 Valencia Orange Regulation 312.

The quantities of Valencia oranges grown in California and Arizona which may be handled during the period August 12, 1983 through August 18, 1983, are established as follows:

- (1) District 1: 376,000 cartons;
- (2) District 2: 424,000 cartons;
- (3) District 3: Unlimited cartons.

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

Dated: August 10, 1983.

D. S. Kuryloski,

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

(FR Doc. 83-22185 Filed 8-10-83; 11:26 am)

BILLING CODE 3410-02-M

7 CFR Part 1124

[Docket No. AO-368-A12]

Milk in the Oregon-Washington Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the diversion provisions and the method used to calculate the daily base and the base milk production of a producer under the Oregon-Washington milk order. The action is based on industry proposals considered at a public hearing held on February 15, 1983. The change is necessary to reflect current marketing conditions and to insure orderly marketing conditions in the Oregon-Washington marketing area.

Cooperative associations representing producers supplying more than two-thirds of the volume of milk produced for sale in the market have approved the issuance of the amended order.

EFFECTIVE DATE: September 1, 1983.

FOR FURTHER INFORMATION CONTACT:

Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 202-447-7311.

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.

Prior documents in this proceeding:

Notice of Hearing: Issued January 25, 1983; published January 28, 1983 (48 FR 3995).

Recommended Decision: Issued May 16, 1983; published May 19, 1983 (48 FR 22580).

Final Decision: Issued June 22, 1983; published June 27, 1983 (48 FR 29529).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* 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 governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), 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 Oregon-Washington marketing area.

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.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective on September 1, 1983. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Marketing Program Operations, was issued May 16, 1983 (48 FR 22580), and the final decision of the Assistant Secretary containing all the amendment

provisions of this order was issued June 22, 1983 (48 FR 29529). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order effective September 1, 1983, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the Federal Register.

(Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) This issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1124

Milk marketing order, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Oregon-Washington marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1124—MILK IN THE OREGON-WASHINGTON MARKETING AREA

1. In § 1124.11, paragraphs (a) and (b) are revised to read as follows:

§ 1124.11 Producer.

(a) A cooperative association may divert for its account to a nonpool plant the milk of any producer whose milk has been received previously at a pool plant and from whom at least one delivery per month during each of the months of September, October and November is received at a pool plant, except that in the case of any producer whose milk has

not been received at a pool plant for at least one day during each of the preceding months of September-November such producer shall be required to have at least one delivery of his milk received at a pool plant in any month to qualify his milk diversion during such month. This delivery requirement for diversion purposes shall continue until such producer's milk has been received at a pool plant for three consecutive months beginning during or after the September-November period. The aggregate quantity diverted may not exceed 60 percent of the producer milk which the association or its agent causes to be delivered to pool plants, or diverted therefrom. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed such a request in writing with the market administrator on or before the first day of the month such agreement is effective. This request shall specify the basis for assigning any over-diverted milk to the producer members of each cooperative association according to a method approved by the market administrator.

(b) A handler in his capacity as the operator of a pool plant may divert for his account to a nonpool plant the milk of any producer whose milk had been received previously at a pool plant and from whom at least one delivery per month during each of the months of September, October and November is received at his pool plant(s) and who is not a member of a cooperative association which is diverting milk pursuant to paragraph (a) of this section during the month, except that in the case of any producer whose milk has not been received at a pool plant for at least one day during each of the preceding months of September-November such producer shall be required to have at least one delivery of his milk received at a pool plant in any month to qualify his milk for diversion during such month. This delivery requirement for diversion purposes shall continue until such producer's milk has been received at a pool plant for three consecutive months beginning during or after the September-November period. The aggregate quantity diverted may not exceed 60 percent of the producer milk received at or diverted from such handler's pool plant(s) and for which the operator of such plant(s) is the handler during the month:

2. In § 1124.19 paragraph (b) is revised to read as follows:

§ 1124.19 Base, base milk, and excess milk.

(b) "Base milk" means milk delivered by a producer during the month which is not in excess of:

(1) His daily base computed pursuant to § 1124.65(a) multiplied by the number of days in the month except that if milk is received from a producer for only part of a month, base milk shall be milk received from such producer which is not in excess of the amount computed by multiplying his daily base times the number of days in the month less the number of days for which no producer milk is delivered; or

(2) His monthly base computed pursuant to § 1124.65(b).

3. In § 1124.65 paragraph (a) is revised to read as follows:

§ 1124.65 Computation of producer bases.

(a) The daily base of each producer whose milk was received at a pool plant(s) or diverted as producer milk from a pool plant during the four months in each January-December period in which the average daily receipts of total producer milk are lowest shall be an amount computed by dividing such producer's total pounds of milk delivered in such base-earning period by the number of days in such period: *Provided*, that a producer who delivers producer milk for only part of such period, but not less than 90 days, shall have a daily base computed by dividing such producer's total deliveries of producer milk by the number of days in the four-month period less the number of days for which no producer milk is delivered. The base so computed shall be recomputed each year, shall become effective on the first day of February next following, and shall remain in effect through January of the next succeeding year:

(1) Any dairy farmer for whom information concerning deliveries during the base-earning period is available to the market administrator and who becomes a producer as a result of the plant to which his milk was delivered during the base-earning period subsequently being qualified as a pool plant, a daily base shall be computed pursuant to this paragraph; and

(2) A dairy farmer who qualified as a producer-handler pursuant to § 1124.12 for not less than 90 days during the period specified in paragraph (a) of this section shall upon becoming a producer

have a base computed as if he had been a producer during such period.

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

Effective date: September 1, 1983.

Signed at Washington, D.C., on: August 4, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-21906 Filed 8-10-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Powers and Duties of Service Officers; Availability of Service Records

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule removes an obsolete fee reference from 8 CFR 103.3(a). The correct fee for filing an appeal to a Regional Commissioner is now \$50.00. This rule also removes any reference to a specific amount for the fee as the prescribed amount of fee for this type of appeal is published at 8 CFR 103.7(b). This eliminates the need for further revision of this paragraph each time the fee is changed.

EFFECTIVE DATE: August 11, 1983.

FOR FURTHER INFORMATION CONTACT:

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

For Specific Information: Ronald R. Lindquist, Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536. Telephone: (202) 633-5015.

SUPPLEMENTARY INFORMATION: Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment 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 amendment 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 103

Administrative practice and procedure, Archives and records, Authority delegations (Government Agencies), Bonding, Fees, Forms, Freedom of Information Act, Organization and functions (Government Agencies), Privacy, Surety bonds.

Accordingly, Title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. Section 103.3 is amended by revising paragraph (a) to read as follows:

§ 103.3 Denials, appeals, and precedent decisions.

(a) *Denials and appeals.* Whenever a formal application or petition filed under § 103.2 is denied, the applicant will be given written notice setting forth the specific reasons for the denial. If the notification is made on Form I-292, the signed duplicate constitutes the order of denial. When the applicant is entitled to appeal to another Service officer, the notice will advise the applicant that there is an appeal from the decision, and that appeal must be taken within 15 days after the service of the notification of the decision. The appeal must be taken by filing Form I-290B (Notice of Appeal), which must be furnished with the written notice. The Form I-290B must be accompanied by the appropriate fee and, if desired, a supporting brief. For good cause shown, the time within which the brief may be submitted may be extended. The party taking the appeal may, prior to appellate decision, file a written withdrawal of the appeal. The appeal, cross-appeal, answers to the appeal and accompanying briefs, if any, will become part of the record of proceeding and, if filed by an officer of the Service, a copy must be served on the party affected.

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

Dated: August 4, 1983.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 83-21907 Filed 8-10-83; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 83-AGL-8]

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule; request for comments.

SUMMARY: The nature of this Federal action is to correct the currently published Marysville, Ohio, transition area description. The intended effect of this action is to ensure accuracy of the charted transition area and of the published definition. The accurate description of the transition area is presented in the text of this rule.

DATES: Effective date: August 29, 1983. Comments must be received on or before August 25, 1983.

ADDRESSES: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 83-AGL-8, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

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

SUPPLEMENTARY INFORMATION: The currently defined and published transition area for Marysville, Ohio, incorrectly references designated airspace "8 miles west of the airport" and should read "8 miles east of the airport." This action corrects that portion of the description.

Request for Comments on the Rule

Although this action is in the form of a final rule, which corrects a portion of the current Marysville, Ohio, transition area, and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the

comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to correct the currently published Marysville, Ohio, transition area.

Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3A dated January 3, 1983.

Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest and that good cause exists for making this amendment effective in less than 30 days after its publication in the **Federal Register**.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Adoption of the Amendment

PART 71—[AMENDED]

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

Marysville, OH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Union County Airport (latitude 40°13'29" N., longitude 83°21'00" W.); and within 2 miles on each side of the 088° bearing from the airport extending from the 5-mile radius area to 8 miles east of the airport. (Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983))

Note.—The FAA determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant

preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois on July 26, 1983.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 83-21704 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 91

[Docket No. 21022A; Reg. Notice No. 91-100]

Emergency Air Traffic Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.**ACTION:** Update of emergency air traffic regulations.

SUMMARY: Section 91.100 of the Federal Aviation Regulations (FAR) (14 CFR 91.100) requires aircraft operators to comply with emergency air traffic regulations issued under that section and covered by Notices to Airmen (NOTAMs) that are also issued under that section. This document provides notice of regulations already adopted that were immediately effective under § 91.100, for which the FAA has also issued NOTAMs. It adds, to Notice 91-100, emergency regulations implementing Special Federal Aviation Regulation (SFAR) No. 44, as amended, that were necessary to respond to a shortage in air traffic control personnel.

EFFECTIVE DATE: As stated in each regulation listed.

ADDRESSES: Send comments on the listed regulations, in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21022A, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may be examined in the Rules Docket, Room 915, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: B. Keith Potts, Airspace, Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 426-3731.

SUPPLEMENTARY INFORMATION:**Comments Invited**

The regulations issued under § 91.100 and listed herein are emergency final rules involving immediate air traffic requirements throughout the United States. The need for immediate regulatory response under § 91.100 is stated at 46 FR 16666, *et seq.* In issuing the regulations in this notice, the FAA has found that the conditions cited in § 91.100 exist or will exist and that the regulations are necessary in order to respond to those conditions in the public interest. Where necessary, these regulations may be supplemented or amended hourly, or even more frequently, as air traffic conditions change. Accordingly, good cause exists for making these regulations effective immediately, without prior notice and public procedure.

Comments are invited on any aspect of the listed regulations, individually or cumulatively, and on any aspect of the emergency air traffic control conditions they respond to. When § 91.100 was issued, the FAA noted that it was an emergency regulation under Executive Order 12291 and DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and had no cost impact in itself since it was only procedural. However, the FAA also stated (at 46 FR 16669) that the regulations distributed in accordance with § 91.100 will be evaluated individually, as appropriate, to determine whether they have cost impacts. To assist the FAA in determining, as soon as practicable after issuance, the cost impacts of the regulations issued under § 91.100, comments on economic impact are specifically invited.

Commenters wishing the FAA to acknowledge receipt of their comments in response to these rules must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 21022A." The postcard will be date/time stamped and returned to the commenter.

Effect of Publication

Publication in the **Federal Register**, of emergency air traffic regulations issued under § 91.100 provides constructive legal notice of those regulations to all persons who may not have received the NOTAMs concerning those regulations or who otherwise may not have legal notice of the adoption of those regulations. This document provides this constructive legal notice of immediately effective emergency regulations that have already been adopted. Additional emergency rules will be published

periodically if the need for their adoption continues.

Availability Prior to Publication: Preflight Requirement

Since there is a necessary time lag between the issuance of emergency air traffic regulations and NOTAMs under § 91.100 and the publication of these regulations in the **Federal Register**, and since these regulations and NOTAMs respond to emergency conditions that exist, or will exist, relating to the FAA's ability to operate the Air Traffic Control System, the NOTAMs concerning these regulations are available at operating air traffic facilities and Regional Air Traffic Division offices prior to **Federal Register** publication and as long as they remain effective. Under § 91.5 *Preflight Action* (14 CFR 91.5), each pilot in command is required to familiarize himself or herself with all available information concerning each flight.

Air Traffic Controller Shortage: SFAR No. 44, as Amended

The air traffic regulations listed in this amendment to Notice 91-100 follow the adoption of SFAR Nos. 44 through 44-6, in response to an organized air traffic controller job action. The emergency aspects of that action are described at 46 FR 39997, *et seq.* As a result, air traffic control facilities have experienced staffing shortages that have reduced the level of air traffic that can be handled with the required levels of safety and efficiency. To ensure that these levels of safety and efficiency are fully maintained during this shortage of air traffic personnel, the emergency regulations listed in section 2 of this notice have been issued under § 91.100.

Regulatory Impact

The FAA has determined that the regulations listed in this notice are emergency regulations that are not major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to these regulations, since they were issued in response to existing or expected emergency conditions relative to FAA's ability to operate the Air Traffic Control System. It has been further determined that the listed regulations are emergency regulations under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If these regulations are later determined to be significant, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contracting the person

identified under the caption "FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 91

Air traffic control, Airspace, Aviation safety.

Notice of Adoption

Accordingly, pursuant to the authority delegated to me by the Administrator in § 91.100 of the Federal Aviation Regulations (14 CFR 91.100; 46 FR 16666, March 13, 1981) and that cited below, the following emergency air traffic regulations have been adopted and covered by NOTAMs under that section.

Secs. 307, 313(a), 601, 603, 902, 1110, and 1202, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421, 1442, 1443, 1472, 1510, and 1522); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983))

In consideration of the foregoing, section 2 of Notice 91-100 is hereby amended by adding the following emergency regulations following the regulation numbered FDC No. 3/671.

Air Traffic Controller Shortage of 1981, and Related Emergency Conditions (SFAR-44, as amended; Docket No. 21022A).

FDC 3/1167 Emergency Flight Rules—July 25—August 7. Flight Plan Filing—Oshkosh, WI, Experimental Aircraft Association, (EAA) Annual Convention Reservation Rule, effective June 13, 1983, 2020 GMT.

The 1983 EAA Convention is expected to cause approximately 2,500 IFR aircraft operations to be added to the air traffic control (ATC) system. To accommodate this traffic without excessive delays and inconvenience to the public, increased ATC staffing and reservations will be required.

Current rules issued under Special Federal Aviation Regulation (SFAR) 44, as amended, do not provide the air traffic system with the flexibility to accommodate much of this added traffic. For example, only a departure reservation, regardless of destination, is required under the General Aviation Reservation (GAR) Rule. This precludes ATC facilities from effectively managing an above normal and concentrated arrival demand for a specific destination. Further, under the GAR Rule departure reservations cannot be obtained earlier than 24 hours prior to the estimated departure time. This program does not facilitate accommodation planning.

Under this rule, pilots proposing general aviation flight to the Oshkosh area will be excluded from the

requirements of the GAR Rule once they have obtained an IFR arrival reservation. Departure reservations for IFR flight from the Oshkosh area will be required and advance request and filing will be necessary.

Reservations for VFR flight will not be required; however, appropriately rated pilots should anticipate the possibility of instrument meteorological conditions and flight plan accordingly. Pilots who plan IFR return flights and obtain IFR departure reservations under this rule, have the advantage of being able to know their return departure date and time prior to leaving their "home" for the Oshkosh area.

Accordingly, pursuant to Special Federal Aviation Regulation SFAR 44, as amended, and Federal Aviation Regulations § 91.100, the following rule is effective as specified above to provide for the safe, orderly handling and movement of IFR traffic:

1. No person may operate a nonscheduled general aviation flight under IFR into or out of the Oshkosh area during the effective periods of this rule without a reservation issued under this rule.

2. The Oshkosh area includes the airspace within a 35-nautical mile radius of Oshkosh, Wisconsin, and includes the following airports:

Wittman Field (OSH)
Outagamie Co. (ATW)
Fond du Lac Co. (FLD)

3. The effective periods are as follows:

Arrivals—July 29, 1100 GMT to 0100 GMT/July 30—August 6, 1100 GMT to 2100 GMT daily.

Departures—July 30, 2100 GMT to August 7, 0100 GMT

4. Each person planning IFR under this rule shall comply with, in lieu of the GAR, the following:

(a) Reservations may only be requested after 1400 GMT on July 25, 1983.

(b) An arrival reservation to the Oshkosh area is required and must be obtained from the Central Flow Control Facility (Telephone (202) 382-6866).

(c) A departure reservation from the Oshkosh area is required and must be obtained from the Green Bay FSS (telephone (414) 233-1090).

(d) Flight plans may only be filed after receiving a reservation but must be filed at least 4 hours prior to the proposed departure time.

(e) Flight plans for flight from the Oshkosh area must be filed with Green Bay FSS.

5. Each person receiving a reservation number under this rule must include it in the remarks section of the appropriate flight plan as filed with ATC.

FDC 3/1299 Emergency Flight Rules—IFR Flight Plan Filing/General Aviation Reservation Rule, effective 2130 GMT, June 30, 1983.

The IFR capacity of the enroute ATC system is increasing and permits further relaxation and planned elimination of the General Aviation Reservation Rule (GAR). Between March 21, 1983, and June 20, 1983, several ARTCC's were added to the lists allowing inter- and intra-ARTCC operations without requiring reservations under this rule. More ARTCC's are scheduled to eliminate the reservation requirement between now and September 9, 1983. The situation is such now that the elimination of reservation requirements in other ARTCC's can be scheduled and elimination of this rule can be planned for December 31, 1983. However, existing restrictions under the GAR Rule remain in effect and will continue in effect after December 31, 1983, for operations from airports that are capacity controlled by SFAR 44 as amended.

Accordingly, pursuant to SFAR 44, as amended, and Section 91.100 of the Federal Aviation Regulations, the following regulation is effective immediately, unless otherwise specified:

1. All aircraft operators planning a flight under IFR with a proposed departure/enroute pick-up time from 0600 local to 1959 local shall file a flight plan with and obtain a departure/enroute pick-up reservation from an FAA flight service station at least 30 minutes before but not more than 24 hours before his/her proposed departure/enroute time if any segment of the flight will enter ARTCC airspace.

2. ATC clearance must be requested not later than 1 hour after proposed departure/enroute pick-up time.

3. Multiple-leg Flight Plans may be filed provided:

A. The conditions of paragraph 1 above are met.

B. The last proposed departure/enroute pick-up time does not exceed the 24-hour filing time limitation specified in paragraph 1 above.

C. The same departure/enroute pick-up point is not specified twice in the request.

D. The request does not involve more than three departure/enroute pick-up points.

4. The provisions of this regulation do not apply to the following operators and flights:

A. FAR Part 121 or Part 135 operators with FAA/ICAO approved two-letter or three-letter call signs.

B. Military flights.

C. Medical emergency flights.

D. Presidential or Vice-Presidential flights.

E. FAA critical flights.

F. NASA flights supporting space shuttle launch and recovery operations during periods designated by the Director, Air Traffic Service.

G. Flights to or from Washington National, John F. Kennedy, LaGuardia, and O'Hare Airports during periods when reservations are required by Subpart K of FAR Part 93—High Density Traffic Airports.

H. Flights originating within the airspace areas of Anchorage and Honolulu ARTCC's.

I. Turbojet aircraft operations at FL 290 and above to a destination 200 nautical miles or more from the point of departure.

J. Nonstop flights destined for airports outside the continental United States.

K. Intra-ARTCC—

(1) Effective immediately, flights in the Albuquerque, Atlanta, Boston, Cleveland, Denver, Ft. Worth, Houston, Jacksonville, Kansas City, Los Angeles, Memphis, Miami, Oakland, Salt Lake City, Seattle, or Washington, ARTCC's' airspace;

(2) Effective 0600 local time on the date specified, flights in any of the following ARTCC's airspace—

(a) July 1, 1983—New York;
(b) August 22, 1983—Minneapolis;
(c) August 22, 1983—Chicago; and
(d) August 22, 1983—Indianapolis.

L. Inter-ARTCC—

(1) Effective immediately, flights within the airspace of any of the following groups—

(a) Seattle, Salt Lake, Oakland, and Los Angeles;
(b) Albuquerque, Kansas City, Memphis, and Denver;
(c) Cleveland and Boston (turboprops only); and
(d) Atlanta, Jacksonville, Washington, and Miami.

(2) Effective 0600 local time on the dates specified, flights within the airspace of any of the following groups—

(a) July 1, 1983—New York and Boston;
(b) July 25, 1983—Atlanta, Jacksonville, Washington, Miami, and Houston;
(c) September 1, 1983—Albuquerque, Kansas City, Memphis, Denver, and Ft. Worth;

(d) September 9, 1983—Memphis, Chicago, Indianapolis, Cleveland, New York, and Boston;

(e) October 1, 1983—Seattle, Salt Lake City, Oakland, Los Angeles, Albuquerque, Kansas City, Memphis, Denver, and Ft. Worth;

(f) October 30, 1983—Seattle, Salt Lake City, Oakland, Los Angeles, Albuquerque, Kansas City, Memphis, Denver, Ft. Worth, Atlanta, Jacksonville, Washington, Miami, and Houston.
M. Effective 0600 local time, December 31, 1983, any operator or flight.

5. Notwithstanding 4K, 4L, and 4M above, this rule applies to flights from airports that are capacity controlled by SFAR 44, as amended.

6. Limitations on obtaining an IFR clearance while airborne remain in effect in the Anchorage ARTCC areas as specified in the pertinent regulatory NOTAM.

Cancel FDC NOTAM 3/671.

Issued in Washington, D.C., on July 25, 1983.

B. Keith Potts,

Acting Director, Air Traffic Service.

[FR Doc. 83-21703 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 95

[Docket No. 23721; Amdt. No. 95-312]

Air Traffic and General Operating Rules; IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: August 4, 1983.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points

(COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 95

Aircraft, Airspace, Aviation safety.

Adoption of Amendment

PART 95—[AMENDED]

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 GMT August 4, 1983.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348 and 1510); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(3))

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

Issued in Washington, D.C. on August 2, 1983.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 83-21740 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 212

[Reg. ER-1357; Economic Regs. Amdt. No. 47 to Part 212; Docket 41415]

Charter Trips by Foreign Air Carriers

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB prohibits airlines of countries that discriminate against U.S. airlines from advertising and selling their charters until they receive approval to perform those charters. This will help to bring about equal competitive opportunities for U.S. airlines, and to avoid disruption for travelers who might otherwise have bought seats on a charter that is later disapproved.

DATES:

Adopted: July 27, 1983.

Effective: September 10, 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: Section 212.4 of the Board's rules (14 CFR 212.4) now prohibits a foreign air carrier from performing certain charters before it receives approval for them from the Board. The charters subject to this prior approval requirement include fifth freedom charters (§ 212.4(b)(1)), long-term wet leases (§ 212.4(b)(2)), and part charters (§ 212.4(b)(4)). Third and fourth freedom charters (charters to or from the foreign carrier's home country) are not subject to the prior approval requirement unless the carrier is one that is required to obtain approval for all its charters under paragraph (e) or (f) of § 212.4. Paragraph (e) imposes this obligation on carriers of countries that discriminate against or limit the operating rights of U.S. carriers. Paragraph (f) imposes this blanket prior approval requirement on some carriers for national security reasons.

Currently, the prior approval requirement restricts only the operation of the charters. Section 212.4(a) states:

A foreign air carrier shall not perform any charter trip for which a statement of authorization is required until one has been granted by the Board.

By EDR-457, 48 FR 17106, April 21, 1983, however, the Board proposed to extend this requirement to the marketing of some charters as well. Under this proposal, a foreign carrier that is required to obtain prior approval for all its charters under paragraph (e) of § 212.4 would not be allowed to advertise or sell seats on those charters until it received that approval. This would be accomplished by adding a sentence at the end of § 212.4(a) that would read:

In addition, if the carrier is one that is required to obtain a statement of authorization under paragraph (e) of this section, it shall not advertise or sell any charter services except those that have been specifically authorized by the Board.

The Board proposed this action for two reasons. It was primarily concerned about the effect advertising and selling unapproved charters would have on its ability to protect the interests of U.S. airlines operating abroad. The Board noted that sections 102(a)(12) and 1102(b) of the Federal Aviation Act (49 U.S.C. 1302(c)(12) and 1502(b)) and section 2(a) of the Fair Competitive Practices Act (49 U.S.C. 1159(a)) call upon it to ensure equal competitive opportunities for U.S. carriers. This may call for a denial of a foreign carrier's charter where that carrier's home country has engaged in restrictive or discriminatory actions against U.S. carriers. If the charter in question has already been advertised and seats have been sold, however, the Board's flexibility is undermined. The Board is under pressure to grant approval, although a denial might be called for. EDR-457 was intended to relieve some of this pressure.

In addition to these international aviation concerns, the Board also justified the proposal on the grounds of consumer protection. It stated that advertising and selling seats on a charter that is likely to be denied is an unfair and deceptive practice in violation of section 411 of the Act (49 U.S.C. 1381). If the charter is in fact not approved, passengers who have bought seats will have their travel plans severely disrupted. Most would never have realized how uncertain their flight was. A ban on pre-approval sales would prevent this.

Comments were filed by Scandinavian Airlines System (SAS), Arista International Airlines, Transamerica Airlines, the Department of Transportation (DOT), TAP Air Portugal, Varig Brazilian Airlines, United Air Lines, and Mr. Charles B. Jones of Atlanta, Georgia. DOT, United, and Mr. Jones were in full support of the

Board's proposal. United stated that the Board's approach enhances and equalizes the U.S. position vis-a-vis foreign governments and "acts to protect consumers by preventing them from being misled into believing that advertised flights are legally acceptable to the United States." Transamerica and Arista also supported the proposal, but sought some modifications. SAS and TAP were generally opposed.

The primary concern of the opponents of the proposal was that the restriction on marketing would effectively preclude performance of the charter as well, because substantial lead time is necessary to mount a charter program. Without assurance that they would be able to market their charters sufficiently in advance, the opponents claimed that they might be reluctant to mount a charter program at all, thereby depriving the public of a low-cost transportation alternative. TAP suggested that foreign governments would be likely to retaliate in such circumstances. At a minimum, the opponents urged the Board to establish a deadline for it to act to approve or disapprove the charter. This would ensure that the program could be effectively marketed.

In addition, TAP argued that the problem cited by the Board (that its ability to deny charter applications is compromised if seats have already been sold) is merely speculative, and does not warrant the type of action proposed by EDR-457. SAS claimed that the Board already has ample regulatory tools to handle the problem. It listed denial of approval for the charter under Part 212, enforcement action under section 411 of the Act, and the consumer protection requirements of Part 380 of the Board's rules, as better ways to respond to the problem raised.

The Board is sensitive to the needs of foreign carriers for sufficient lead time to market their charter programs, and recognizes the difficulties that this rule could cause them in certain circumstances. Imposing significant restrictions on foreign carriers is, however, the most effective way—and often the only available way—to enforce meaningful reciprocity in international aviation relations. The Board is committed under established statutory principles to work for the maximum degree of free competition in international aviation, and an important element of this is an open charter regime. Where foreign countries restrict or discriminate against U.S. carriers however, the U.S. government must respond. This response includes subjecting the foreign carrier's charters to prior approval and restricting the marketing of those charters pending that

approval, while retaining the flexibility to grant relief from these restrictions when warranted.

The Board will not commit itself to act on a prior approval application within any specified time. The actions of the foreign government involved vis-a-vis U.S. carriers will be a major factor in both the outcome and the timing of Board action.

The Board recognizes the possibility that some foreign governments will retaliate by placing further restrictions on U.S. carriers. As noted above, the Board would prefer to have no restrictions at all. It will not refrain from taking action to protect U.S. carriers' interest in fair competition, however, because of the fear of further restrictions. To do so would defeat the main goals of the statutes cited above. The Board notes especially in this regard that the responding U.S. carriers supported its proposal, and that none opposed it. This rule is carefully drawn so that it will affect only those carriers whose governments first placed restrictions on U.S. carriers.

The Board does not agree that the problem cited in the proposal is merely speculative. It is based on its prior experience. The Board is reluctant to turn down a charter flight when it knows that extensive sales have been made, and that a denial will cause passenger hardship. For example, in denying a charter exemption to Scanair, the Board stated that it was "prepared to permit the passengers to be moved on scheduled service upon the filing of a tariff acceptable to us" in order to "prevent hardship to any passengers booked on Scanair." Order 81-10-31, at 4, n.6. The Board wishes to avoid making passengers pawns in aviation policy disputes where they have bought seats on the flights involved. By limiting such sales, the Board will prevent this problem from arising again.

We do not agree with SAS that other regulatory tools are adequate to deal with the problem. Section 411 of the Act and Part 380 of the Board's rules address only the consumer protection aspects of the problem, not the international aviation and foreign policy aspects. The latter were in fact the primary motivation for this rulemaking. Furthermore, neither section 411 or Part 380 is sufficient. Part 380 only ensures that passengers will get a full refund if approval for the charter is denied. It does not prevent the disruption to passengers' travel plans that such a denial would cause. Section 411 is deficient in this case because it is merely a generally-worded prohibition. The rule adopted here is more specific

and thus provides guidance on the meaning of this general prohibition as it affects foreign carrier charters.

Some of those favoring the Board's proposal asked that the ban on advertising and sales be extended or modified. Arista asked that it be extended to tour operators and to "special" fares on a foreign carrier's scheduled service. The latter, it claimed, are competitive with charters, also subject to government disapproval, and may be used to circumvent the Board's charter rules. It also sought to widen the rulemaking to encompass other restrictive practices of foreign governments such as reciprocal manifest filing.

Transamerica asked that the bans be extended to carriers that are required to obtain approval for charters under § 212.4(f) and to all fifth freedom and part charters. SAS considered it discriminatory for the Board to apply the ban only to carriers required to obtain approval under § 212.4(e) and not to these other charters.

The Board is aware that requiring approval before marketing charters is a strong restriction. It has therefore limited it to carriers whose charters are most likely to be disapproved because of the restrictive practices of their home countries. Section 212.4(e) seems to be the right place to draw this line. By its terms, § 212.4(e) applies only to the carriers of countries that have been especially restrictive toward U.S. carriers. Extending the rule to all fifth freedom and part charters would include many carriers whose home countries have been relatively open to U.S. carriers, and whose charters are therefore approved almost routinely.

While the chances of disapproval are somewhat greater in the case of airlines subject to § 212.4(f), the problems engendered by those airlines are beyond the scope of this rulemaking. Section 212.4(f) applies to carriers whose charters might endanger U.S. security. It is primarily concerned with preventing certain countries from routing their charters over U.S. defense installations, rather than with the reciprocity or economic issues involved in this proceeding.

Also beyond the scope of this rulemaking are the "special" fares and other problems raised by Arista. These are better dealt with through the tariff process, a complaint under section 2(b)(2) of the Fair Competitive Practices Act or section 411 of the Federal Aviation Act, or by a petition for rulemaking under § 302.38 of the Board's rules, if Arista considers such action warranted by the severity of the problem.

With respect to the requests to extend the rule to tour operators, the Board already considers them to be covered by this rule as proposed. As TAP noted (comment p. 3, n. 2), if the rule applied to foreign air carriers but not to charter operators, it would be meaningless. Both Arista and SAS, however, asked for clarification on this issue. The Board is therefore adding language making explicit the coverage of charter operators, or anyone else acting on behalf of a covered foreign carrier. Since this change in interpretative nature, the Board finds further comment on it to be unnecessary.

SAS also asked for clarification of whether foreign-originating charters organized by a foreign charter operator are covered by this rule. It viewed the Board's disclaimer of jurisdiction over such charters in § 380.23 as possibly extending to the marketing ban involved here.

Although § 380.23 does limit the applicability of the public charter consumer protection rule in 14 CFR Part 380 to U.S.-originating charters, the marketing ban is part of the separate prior approval scheme for foreign air carrier charters in 14 CFR Part 212. Part 212 and its prior approval requirements apply to both U.S.-and foreign-originating charters (also known as, third and fourth freedom charters). The restrictions of this amendment to Part 212 therefore apply to them as well.

Transamerica called for flexibility in the application of the rule. It noted that foreign government restrictions differ in severity from country to country. In some cases, Transamerica stated, an advertising prohibition may be counterproductive. It recommended that the Board adopt a case-by-case approach under which it might waive the advertising prohibition at the time that the carrier is made subject to the § 212.4(e) prior approval procedures. Waivers for carriers already subject to § 212.4(e) would, under Transamerica's scheme, be established in this rulemaking proceeding. Transamerica cited the carriers of Brazil (Varig) and Portugal (TAP) as cases where at least a partial waiver might be appropriate. Varig, in its comments, stated that it should not be subject to the advertising prohibition for the 75 charters that it is entitled to operate under the bilateral agreement between the U.S. and Brazil.

The Board agrees with Transamerica that policies differ even among countries whose carriers are subject to § 212.4(e), and that this calls for a flexible approach in the application of this rule. The Board's powers to waive its rules are plenary, and an explicit waiver provision is unnecessary. The Board will

deal with any waiver request on its merits, taking into account the relevant actions of the concerned foreign government. In the case of Varig, the Board is currently considering its request for a waiver prior to the effective date of this rule for charters within its annual quota.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, P.L. 96-354, and for the reasons stated in EDR-457, the Board certifies that this rule will not have a significant economic impact on a substantial number of small entities. The entities affected by this rule are foreign air carriers providing foreign air transportation. These are generally not small airlines under 14 CFR 399.73.

List of Subjects in 14 CFR Part 212

Air transportation—foreign, Charter flights, Reporting and recordkeeping requirements, Surety bonds, Travel agents.

Accordingly, the Board amends 14 CFR Part 212, *Charter Trips by Foreign Air Carriers*, as follows:

PART 212—[AMENDED]

1. The authority for Part 212 is:

Authority: Secs. 101(3), 102, 204, 401, 402, 403, 404, 407, 411, 416, 1002 Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 769, 771, 788, 49 U.S.C. 1301, 1302, 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1386, 1482.

2. Paragraph (a) of § 212.4 is amended by adding a sentence at the end thereof so that it reads as follows:

§ 212.4 Prior authorization requirements.

(a) A foreign air carrier shall not perform any charter trip for which a statement of authorization is required until one has been granted by the Board. In addition, if the carrier is one that is required to obtain a statement of authorization under paragraph (e) of this section, neither if, nor any charter operator, travel agent, or any other person shall advertise or sell, or allow others to advertise or sell, any passenger charter services except those that have been specifically authorized by the Board.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-21909 Filed 8-10-83; 6:45 am]

BILLING CODE 6320-01-M

ENVIRONMENTAL PROTECTION AGENCY**21 CFR Parts 193 and 561**

[FAP 1H5321/R139A;PH-FRL 2404-8]

Pesticide Tolerances-Dicamba; Extension of Time for Filing Objections*Correction*

In FR Doc. 83-20291 beginning on page 34024 in the issue of Wednesday, July 27, 1983 make the following correction:

On page 34025, column one, line one of the formula "3ppm DMNA = 3x10-lb DMNA/lb formulation" should read "3ppm DMNA = 3x10⁻⁴lb DMNA/lb formulation."

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Part 1**

[T.D. 7893]

Amendment of Income Tax Regulations To Conform to Repeal of Subpart F Exception for Investments in Less Developed Countries and to Foreign Base Company Shipping Income Regulations*Correction*

In FR Doc. 83-12817, beginning on page 22505 in the issue of Thursday, May 19, 1983, make the following corrections:

1. In the third column on page 22505, the U.S.C. cite in the last sentence of "Background" now reading "26 U.S.C. 7895" should have read "26 U.S.C. 7805".
2. In the middle column on page 22506, the U.S.C. cite on the twelfth line from the top ending in a parenthesis, should have ended in a bracket.

BILLING CODE 1505-01-M

26 CFR Part 1

[T.D. 7900]

Investment Credit for Single Purpose Agricultural or Horticultural Structures

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final rule.

SUMMARY: This document contains corrections to the *Federal Register* publication beginning at 48 FR 32766 of the final regulations which were the subject of Treasury Decision 7900, relating to the investment credit for single purpose agricultural or

horticultural structures under section 48 of the Internal Revenue Code of 1954.

EFFECTIVE DATE: The regulations that are the subject of this correction apply to open taxable years ending after August 15, 1971, and are effective on July 18, 1983. This correction is to be effective the same date.

FOR FURTHER INFORMATION CONTACT:

Duane H. Pellervo of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, Washington, D.C. 20224, telephone 202-566-3458 (not a toll-free number).

SUPPLEMENTARY INFORMATION:**Background**

On July 19, 1983, the *Federal Register* published final regulations (48 FR 32766) relating to the investment credit for single purpose agricultural or horticultural structures. The regulations were necessary because of changes made to the applicable tax law by the Revenue Act of 1978 and the Economic Recovery Tax Act of 1981.

Need for a Correction

As published, Treasury Decision 7900 cites two internal references incorrectly. In § 1.48-10(a)(1), middle column, page 32768, the fourth sentence includes a reference to "section 46(a)(1)(B)" that should read "section 48(a)(1)(B)". In § 1.48-10(b)(4)(ii), left column, page 32769, the reference to "paragraph (e)" should read "paragraph (f)".

A third correction is required in § 1.48-10(e)(1)(ii), in the right column, page 32769, the line that reads "(D) Total volume of storage area; or" should read "(D) Total volume of storage area; and".

Correction of Publication

Accordingly, the publication of Treasury Decision 7900, which was the subject of FR Doc. 83-19372, is corrected as follows:

Paragraph 1. In the fourth sentence in § 1.48-10(a)(1), the language "section 46(a)(1)(B)" is removed and the language "section 48(a)(1)(B)" is added in its place.

Para. 2. In § 1.48-10(b)(4)(ii), the language "paragraph (e)" is removed and the language "paragraph (f)" is added in its place.

Para. 3. In § 1.48-10(e)(1)(ii), the language "(D) Total volume of storage area; or" is removed and the language

"(D) Total volume of storage area; and" is added in its place.

James J. McGovern,
Acting Director, Legislation and Regulations Division.

[FR Doc. 83-21989 Filed 8-10-83; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 1

[T.D. 7900]

Income Tax; Investment Credit for Single Purpose Agricultural or Horticultural Structures*Correction*

In FR Doc. 83-19372 beginning on page 32766 in the issue of Tuesday, July 19, 1983, make the following corrections:

1. In § 1.48-10(b)(2)(iii)(B), page 32768, third column, twenty one lines from the bottom of the page, "paragraph (1)" should have read "paragraph (f)".
2. In § 1.48-10(b)(3)(i), same column, six lines from the bottom of the page, "48(1)(p)(8)" should have read "48(p)(6)", and two lines from the bottom of the page, the sentence beginning "'Livestock' is distinguished from * * *" is part of (i) and should not have been on a separate line.
3. In § 1.48-10(e)(2)(i), page 32769, third column, seventeen lines from the bottom of the page, there should be a period after the words "for the credit", and fifteen lines from the bottom of the page, "§ 1.48-3(d)" should have read "§ 1.46-3(d)".

BILLING CODE 1505-01-M

26 CFR Part 35

[T.D. 7904]

Withholding From Pensions, Annuities, and Certain Other Deferred Income; Corrections

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to temporary regulations.

SUMMARY: This document contains corrections to the *Federal Register* publication beginning at 48 FR 35090 of the temporary regulations which were the subject of Treasury Decision 7904, relating to withholding from pensions, annuities, and certain other deferred income under section 3405 of the Internal Revenue Code of 1954.

EFFECTIVE DATE: The temporary regulations that are the subject of this correction are effective for payments made after December 31, 1982. This

correction is to be effective the same date.

FOR FURTHER INFORMATION CONTACT:

Patricia K. Keesler of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, telephone 202-566-3903 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On August 3, 1983, the Federal Register published temporary regulations (48 FR 35090) relating to withholding from pensions, annuities, and certain other deferred income. Changes to the applicable tax law were made by the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248). The regulations affect payors and payees of pensions, annuities, and certain other deferred income and provide them with guidance necessary to comply with the law.

Need for a Correction

As published, Treasury Decision 7904 incorrectly includes the language "an annuity obligation existing in connection with" in the left column on page 35091; uses the word "sale" instead of the word "surrender" in two locations in the right column on page 35091; and states a date of "July 1, 1983," instead of "October 1, 1983," in the left column on page 35092.

Correction of Publication

Accordingly, the publication of Treasury Decision 7904, which was the subject of FR Doc. 83-21129, is corrected as follows:

§ 35.3405-1 [Corrected]

Paragraph 1. In § 35.3405-1(a), the language "an annuity obligation existing in connection with" is removed from the answer to question a-4.

Para. 2. In the third and fourth sentences in the answer to question f-24 in § 35.3405-1(f), the word "sale" is removed and the word "surrender" is added in its place.

Para. 3. In the last sentence in the answer to question f-27 in § 35.3405-1(f), the date "July 1, 1983," is removed and the date "October 1, 1983," is added in its place.

Jonathan P. Marget,

Acting Director, Employee Plans and Exempt Organizations Division.

[FR Doc. 83-21990 Filed 8-10-83; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 301

[T.D. 7899]

Administrative Summonses

Correction

In FR Doc. 83-19373 beginning on page 32770 in the issue of Tuesday, July 19, 1983, make the following correction. In the first column on page 32774, the first word of the fifth line of § 301.7610-1(c)(2)(i), now reading "June" should read "July".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 8 and 53

[CGD 79-105]

Coast Guard Reserve

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising the regulations concerning the Coast Guard Reserve by deleting the present regulations and replacing them with revised information and direction where further information may be obtained. This action is necessary because the existing regulations deal with purely internal personnel matters which are no longer effective and are not required to be included in the Code of Federal Regulations. This action will eliminate these unnecessary regulations.

EFFECTIVE DATE: August 11, 1983.

FOR FURTHER INFORMATION CONTACT:

Mr. J. Donald Cotter, Office of Reserve (G-R-1), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426-2350.

SUPPLEMENTARY INFORMATION: Since this amendment relates only to internal agency procedures and to agency personnel, it is exempted from the requirements of notice and comment of the Administrative Procedures Act (5 U.S.C. 553). Since this action will eliminate outdated regulations that are at variance with current Coast Guard regulations, good cause exists for making this amendment effective in less than thirty days.

Drafting Information

The principal persons involved in drafting this rule are Mr. J. Donald Cotter, Project Manager, Office of Reserve, and Lieutenant Walter J. Brudzinski, Project Counsel, Office of the Chief Counsel. Discussion: The U.S. Coast Guard Reserve is a component of

the U.S. Coast Guard. Parts 8 and 53 of Title 33 of the Code of Federal Regulations contain regulations that concern the Coast Guard Reserve. Because most of the present regulations had been promulgated in the mid 1950's or before, and had not been amended since 1969, the Coast Guard conducted a review of Parts 8 and 53. Additionally, the statute establishing the Coast Guard Reserve was amended on August 4, 1980. (Pub. L. 96-322, 94 Stat. 1002, 14 U.S.C. 701 et seq.).

As a result of that review the Coast Guard has determined that the present regulations are outdated and that it is unnecessary to publish them in the CFR because they relate to internal personnel practices and do not have a significant impact on the public. These regulations relate solely to the management of the Reserve. The current regulations that deal with the management of the Reserve are located in various Coast Guard publications and directives. Reserve personnel have access to these publications from their Reserve units or from the Reserve division office at their district headquarters.

List of Subjects in 33 CFR Parts 8 and 53

Armed Forces Reserves, Military personnel.

This revision of the regulations describes the basic organization of the Coast Guard Reserve and informs the public where further information can be obtained.

Final Regulations

In consideration of the foregoing, Chapter I of Title 33 Code of Federal Regulations is amended as follows:

1. By revising Part 8 to read as follows:

PART 8—UNITED STATES COAST GUARD RESERVE

Sec.

- 8.1 Functions of the Coast Guard Reserve.
- 8.3 Organization of the Coast Guard Reserve.
- 8.5 Regulations for the Coast Guard Reserve.
- 8.7 Information.

Authority: 14 U.S.C. 633.

§ 8.1 Functions of the Coast Guard Reserve.

(a) The Coast Guard Reserve is a component of the Coast Guard. The Coast Guard Reserve trains personnel for mobilization and for augmentation of the regular Coast Guard.

(b) Members of the Coast Guard Reserve can be used for:

(1) Partial of full mobilization under 10 U.S.C. 672 or 10 U.S.C. 673;

(2) Voluntary or involuntary call-up for emergency augmentation of the regular Coast Guard during time of serious natural or man-made disaster under 14 U.S.C. 712; and

(3) Augmentation of the regular Coast Guard during active duty or inactive duty for training.

(c) A member of the Reserve on active duty or inactive duty training has the same authority, rights, and privileges in the performance of that duty as a member of the regular Coast Guard of corresponding grade or rating.

§ 8.3 Organization of the Coast Guard Reserve.

(a) The Coast Guard Reserve is organized, trained and equipped under the direction of the Commandant.

(b) The Chief, Office of Reserve is responsible for the overall administration and supervision of the Reserve.

(c) The Chief, Reserve Division, of a Coast Guard district, under the general direction of the District Commander, has responsibility for the district's Reserve program.

(d) Coast Guard Reserve groups and their subordinate units are shore units of the Coast Guard, whose mission is to prepare Reservists to perform the duties of their mobilization assignments while at the same time providing assistance to the active service. These groups and units parallel, to the greatest extent possible, the active commands which they augment.

§ 8.5 Regulations for the Coast Guard Reserve.

(a) Regulations for the Coast Guard Reserve are established by the Commandant.

(b) Permanent regulations are published in Coast Guard publications and manuals and include the following:

- (1) Coast Guard Regulations.
- (2) Coast Guard Organization Manual.
- (3) Coast Guard Reserve Administrative Manual.
- (4) Personnel Manual.
- (5) Reserve Training Manual.
- (6) Recruiting Manual.
- (7) Military Justice Manual.
- (8) Comptroller Manual.

(c) Temporary regulations and orders affecting Reservists are included in instructions or notices in the Coast Guard directives system.

(d) Regulations for the Reserve within a Coast Guard district are established by the District Commander and are published in the district's directives system. Note: Other regulations that affect the Reserve are located in Department of Defense and Department of the Navy regulations in Title 32 of the Code of Federal Regulations.

§ 8.7 Information.

(a) Information concerning the Coast Guard Reserve may be obtained from any Coast Guard District Office, or from Commandant (G-R), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

(b) Information and requirements for enlistment in the Coast Guard Reserve or concerning the procurement of officers for the Coast Guard Reserve can be obtained from the following offices:

- (1) Any Coast Guard Recruiting Office.
- (2) Any Coast Guard District (r).
- (3) Commandant (G-PMR), U.S. Coast Guard, Washington, D.C. 20593.

PART 53—[REMOVED]

2. By removing Part 53.

Dated: August 2, 1983.

James C. Irwin,

Rear Admiral, U.S. Coast Guard, Chief, Office of Reserve.

[FR Doc. 83-21919 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 25

[CGD 83-031]

Claims Regulations; Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule, correction.

SUMMARY: This correction deletes an erroneous reference to paragraph (k) of section 2680 of the Federal Tort Claims Act in the Coast Guard regulations dealing with the Military Claims Act, published in the *Federal Register* on May 18, 1981 (46 FR 27113).

FOR FURTHER INFORMATION CONTACT: CDR W. H. Norris, Office of Chief Counsel (G-LCL/34), Room 3414, U.S. Coast Guard Headquarters, 2100 2nd Street, SW, Washington, D.C. 20593, (202) 426-2245.

Accordingly, the following correction is made to FR Doc. 81-14843, published at 46 FR 27107-27115, May 18, 1981:

1. Section 25.405 is corrected by revising paragraph (g) to read as follows:

§ 25.405 Claims not payable.

(g) Is one of the following exceptions to the Federal Tort Claims Act, 28 U.S.C. 2680 (a), (b), (c), (e), (f), (h), or (j). (However, a claim falling within the exception contained in 28 U.S.C. 2680(b) is payable when not prohibited by paragraph (i) of this section.)

Dated: August 5, 1983.

E. H. Daniels,

Chief Counsel, U.S. Coast Guard.

[FR Doc. 83-21924 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD 09-83-19]

Regattas and Marine Parades; Coral Gables Challenge Cup

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Coral Gables Challenge Cup. This event will be held on Lake Michigan, Saturday, 13 August 1983, between the cities of Holland and South Haven, Michigan. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: These regulations become effective on 13 August 1983 and terminate on 14 August 1983, to allow for a rain date of 14 August.

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

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. Following normal rule making procedures is unnecessary as per 5 U.S.C. 553(b)(3)(B), since this is a temporary regatta regulation. This has been an annual event for many years and no negative comments have been received concerning the holding of the event in the past.

Drafting Information

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

Discussion of Regulations

The Coral Gables Challenge Cup will be conducted on Lake Michigan on 13 August 1983. This event will have an estimated 50 to 60 power boats which could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (Officer-in-Charge, Coast Guard Station, Holland, MI).

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35-0919 to read as follows:

PART 100—[AMENDED]**§ 100.35-0919 Lake Michigan-Holland to South Haven, MI.**

The following area will be closed to vessel navigation or anchorage from 12:00 noon (local time) until 6:00 P.M. (local time) on 13 August 1983.

(a) *Regulated Area.* That portion of Lake Michigan from 0.25 mile south of the south breakwall and 0.25 mile from shore from the Holland Channel entrance position 42 degrees 46.1 minutes North, 86 degrees 12.9 minutes West, to a point west of Saugatuck 0.25 mile from shore in position 42 degrees 39.7 minutes North, 86 degrees 13.5 minutes West, to a point 0.25 mile from shore in position 42 degrees 38.2 minutes North, 86 degrees 14.1 minutes West, then south to a point 0.25 mile from shore 42 degrees 34 minutes North, 86 degrees 14.4 minutes West, then south southwest to a point 0.25 mile from shore in position 42 degrees 24.3 minutes North, 86 degrees 17.3 minutes West, then north to a point 2.2 miles from the shore in position 42 degrees 40.5 minutes North, 86 degrees 15.8 minutes West, then northnortheast to the point 0.25 mile south of the south breakwall, and 0.25 mile from the Holland Channel entrance in position 42 degrees 46.1 minutes North 86, degrees 12.9 minutes West.

(b) *Special Local Regulations.* (1) Vessels desiring to transit the restricted area may do so only with the prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum and in a manner which will not endanger participants in the event or any other craft. These rules shall not apply to participants in the event or vessels of the patrol in the performance of their assigned duties.

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

(3) This section is effective from 12:00 noon (local time) on 13 August 1983 until 6:00 P.M. (local time) on 13 August 1983, (rain date is 14 August 1983).

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

Dated: July 27, 1983.

Henry H. Bell,
U.S. Coast Guard.

[FR Doc. 83-21918 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD11 11-76-83]

Establishment of Special Local Regulations for the "1983 Star Class World Championship"

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the 1983 Star Class World Championship, a yachting race in Santa Monica Bay, to be held on 14 thru 19 August 1983. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on 14 August 1983 at 12:00 PM and terminate on 19 August 1983 at 4:00 PM.

FOR FURTHER INFORMATION CONTACT: Lt N. M. Turner, Commander(bpa), Eleventh Coast Guard District, 400 Ocean Gate, Long Beach, California 90822, (213) 590-2213.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and was impracticable as they are being made effective in less than 30 days from the date of publication. Following normal rule making procedures would have been impracticable. The application to hold the event was not received until 29 June 1983, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The principal individuals involved in drafting this rule are Lt Noris M. Turner, Chief, Boating and Public Affairs Branch, Eleventh Coast Guard District, and Lt Joseph R. McFaul, Project Attorney, Legal Office, Eleventh Coast Guard District.

Special Local Regulation

Discussion of Regulations: California Yacht Club's "1983 STAR CLASS WORLD CHAMPIONSHIP RACE" will be conducted in Santa Monica Bay, beginning 14 August 1983, starting west

of Ballona Lagoon. This event will have 100 22.5 foot Star Class racing yachts that could pose hazards to navigation. Vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

Evaluation: These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area can be open periodically for the passage of commercial and recreational vessels.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water)

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35-11-76 to read as follows:

§ 100.35-11-76 California Yacht Club/1983 Star Class World Championship

(a) *Regulated area:* The following regulated area will be closed intermittently to all vessel traffic from 12:00 PM to 4:00 PM on 14 thru 19 August 1983, for the start of subject race, bounded by the following coordinates:

33°57'8"N	118°30'0"W
33°59'10"N	118°30'0"W
33°59'10"N	118°32'23"W
33°57'8"N	118°32'23"W

(b) Special Local Regulations:

(1) No person or vessel may enter or remain in the regulated area unless participating in the event or authorized by the sponsor of the event to do so.

(2) *Procedures For Transiting:* The regulated area will be opened every hour on the hour or after each heat or race for a minimum of ten (10) minutes for the safe transit of nonparticipant water craft.

(3) These regulations are temporary in nature and shall cease to be in effect or further enforced at the end of the period set forth.

(46 U.S.C. 454; 49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b))

Dated: August 3, 1983.

F. P. Schubert,

Rear Admiral, U.S. Coast Guard Commander,
Eleventh Coast Guard District.

[FR Doc. 83-21940 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 110

[CGD13 82-18]

Anchorage Ground; Elliott Bay, Seattle, Washington

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the regulations which establish the general anchorage grounds in Puget Sound, Washington. These amendments involve expanding three of the current anchorage grounds in Elliott Bay so that a greater safety margin will be available to anchored vessels from the other vessels anchored or underway in the vicinity. The intended effect of the action is to provide safer general anchorage grounds in Puget Sound while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: September 12, 1983.

FOR FURTHER INFORMATION CONTACT: LT T. C. Julich, Puget Sound Vessel Traffic Service, 1519 Alaskan Way South, Bldg 1, Room 411, Seattle, WA 98134. Telephone: (206) 442-4124.

SUPPLEMENTARY INFORMATION: On January 17, 1983 the Coast Guard published a notice of proposed rule making in the Federal Register for this regulation (48 FR 1988). Interested persons were requested to submit comments and no comments were received.

Drafting Information

The drafters of this regulation are LT T. C. Julich, USCG, project officer, Puget Sound Vessel Traffic Service, Seattle, WA, and LCDR Richard R. Clark, USCG, Project attorney, Thirteenth Coast Guard District Legal Office.

Economic Assessment and Certification

This regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since it only expands existing anchorage areas without infringing on vessel traffic lanes. Vessels are presently allowed by the Coast Guard to anchor within the expanded anchorage areas. To date, no difficulties or adverse economic impacts have been observed or reported by the Puget Sound users. Based upon this assessment, it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been

reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

PART 100—[AMENDED]

Final Regulation

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations, is amended by revising § 110.230(a)(8), (a)(9), and (a)(10) to read as follows:

§ 110.230 Puget Sound area, Washington.

(a) * * *

(8) *Smith Cove General Anchorage (east) Elliott Bay.* Shoreward of a line beginning at latitude 47° 37'36.3" N., Longitude 122° 22'38" W.; thence due south 1,350 yards to latitude 47° 36'56.6" N., Longitude 122° 22'38" W.; thence due east to the shore at latitude 47° 36'56.6" N., Longitude 122° 21'18.8" W.

(9) *Elliott Bay General Anchorage (east).* Shoreward of a line beginning at the northeast corner of Harbor Island at latitude 47° 35'26.2" N., longitude 122° 20'41" W.; thence due north 1,025 yards to latitude 47° 35'56.5" N., longitude 122° 20'41" W.; thence due west on said line to its intersection with the east line of the West Waterway at latitude 47° 35'56.5" N., longitude 120° 21'25.5" W.; thence due south to the northwest corner of Harbor Island at latitude 47° 35'17.3" N., longitude 122° 21'25.5" W.

(10) *Elliott Bay General Anchorage (west).* Shoreward of a line beginning at latitude 47° 35'06.7" N., longitude 122° 21'36.8" W.; thence due north to latitude 47° 35'46" N., longitude 122° 21'36.8" W.; thence on a bearing 335° T for 400 yards to latitude 47° 35'56.5" N., longitude 122° 21'44" W.; thence due west to Duwamish Head Light; thence due south to the shoreline.

(33 U.S.C. 471; 49 U.S.C. 1655 (g)(1); 49 CFR 1.46 and; 33 CFR 1.05-1(g))

Dated: July 20, 1983.

H. W. Parker,

Rear Admiral, Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 83-21923 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD3 82-017]

Drawbridge Operation Regulations; Harlem River, New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of New York City Department of Transportation, the Coast Guard is changing the regulations governing all New York City (NYC) drawbridges crossing the Harlem River between the Bronx and Manhattan by requiring that four hours advance notice be given from 10 a.m. to 5 p.m. This change is being made because there have been relatively infrequent requests for bridge openings since the majority of the vessels regularly transiting the waterway are normally able to pass under all NYC bridges (when in the closed position). This action will continue to relieve the bridge owner of the burden of having a person constantly available to open the draw and will still provide for the reasonable needs of navigation.

EFFECTIVE DATE: This rule becomes effective on September 12, 1983.

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

SUPPLEMENTARY INFORMATION: On August 30, 1982, the Coast Guard published a proposed rule (47 FR 38154) concerning this amendment. The Commander, Third Coast Guard District also published this proposal as a Public Notice dated December 8, 1982. In each notice interested persons were given until October 14, 1982, and January 8, 1983, respectively, to submit comments.

Drafting Information

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

Discussion of Comments

Four responses of no objection were received on the public notice concerning this rule. One respondent requested that provision be made to open all NYC bridges as soon as possible for passage of vessels contracted to the Army Corps of Engineers for maintenance dredging. The Coast Guard agrees that such provision should be made but since a letter of agreement between the parties concerned will be signed, this requirement is not necessary. No other concerns were expressed by the other respondents. A draft evaluation has not been prepared because of minimal economic impact. This is because the regulations will not greatly affect the users of the waterway.

An error was made in the Notice of Proposed Rulemaking in that the heading for the proposed rule was listed as § 117.170. The proper heading is

§ 117.160. This error is technical and has been corrected in this final rulemaking.

Economic Assessment and Certification

These final regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be major rules. They are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities because no small entities will be affected.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by revising § 117.160(h) to read as follows:

Part 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.160 Harlem River, N.Y.; bridges.

(h) The draws of the following bridges shall open on signal from 10 a.m. to 5 p.m. if at least four hours, notice is given to the New York City Highway Radio (Hotline) Room. At all other times these draws need not open for commercial or recreational vessels.

- (1) 103rd Street Bridge, mile 0.0.
- (2) Willis Avenue Bridge, mile 1.5.
- (3) 3rd Avenue Bridge, mile 1.9.
- (4) Madison Avenue Bridge, mile 2.3.
- (5) 145th Street Bridge, mile 2.8.
- (6) Macombs Dam Bridge, mile 3.2.
- (7) 207th Street (University Heights) Bridge, mile 6.0.
- (8) Broadway Bridge, mile 6.8.

The draws shall open at all times as soon as possible for a public vessel of the United States after notification is received at the NYC Highway Radio (Hotline) Room.

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

Dated: July 22, 1983.

W. E. Caldwell,

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

[FR Doc. 83-21921 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[Third Coast Guard District Regulation
CCGD 3-83-34]

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

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

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

EFFECTIVE DATES: This regulation is effective at 12:00 PM E.D.S.T. 22 July 1983 and terminates upon completion of the current demolition of the work being done on the CNJ Newark Bay Bridge, with the Zone to be terminated no later than 1 November 1983.

FOR FURTHER INFORMATION CONTACT: Lt. J. M. Collin, (212) 668-7917.

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

Drafting Information

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

Discussion of Regulation

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

List of Subjects in 33 CFR Part 165

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

Regulation

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

PART 165—[AMENDED]

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

(a) *Location.* The following area is a Safety Zone: the waters within a boundary extending from the Newark Bay Lighted Buoy "4B" in position 40°39'19.3" N., 74°08'44" W., thence east on a course of 090 degrees true a distance of approximately 145 yards to position 40°39'19.3" N., 74°08'40" W., thence southwest on a course of 200 degrees true a distance of 230 yards to position 40°39'13" N., 74°08'43" W., thence west on a course of 270 degrees true a distance of approximately 145 yards to the Newark Bay Channel Buoy "4A" in position 40°39'13" N., 74°08'47.2" W., thence north on a course of 022 degrees true to the starting point.

(b) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

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

Dated: July 22, 1983.

J. L. McDonald,

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

[FR Doc. 83-21920 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 167

[CGD 81-080]

Parts and Waterways Safety; Offshore Traffic Separation Schemes; Galveston Bay

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: This final regulation establishes a traffic separation scheme (TSS) for the approaches to Galveston Bay. The TSS is designed to increase navigation safety by separating opposing inbound and outbound lanes of vessel traffic. The scheme is necessary because of severe traffic congestion and recent vessel casualties in the Galveston approach area. This TSS was developed in accordance with the Ports and Waterways Safety Act (33 U.S.C. 1223) "to provide safe access routes for movement of vessel traffic." It was formally adopted by the Maritime Safety

Committee of the International Maritime Organization (IMO) in June 1983.

New Part 167 also contains general rules which will apply to future offshore TSS's developed for U.S. ports under the Ports and Waterways Safety Act. These general rules are needed because Coast Guard regulations do not currently define offshore traffic separation schemes. It is also anticipated that other TSS's will be promulgated, or existing TSS's will be significantly modified and added to this new Part 167.

EFFECTIVE DATE: The effective date of this regulation is January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Young, Project Manager, Office of Navigation, Room 1606, U.S. Coast Guard, 2100 2nd St., S.W., Washington, D.C. 20593, (202) 245-0108.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published on June 17, 1982 (47 FR 26167). A correction of a typographical error in one of the geographical positions was published on June 28, 1982 (47 FR 27870). Interested persons were given until August 16, 1982, to submit comments. A public hearing was not held on this matter.

Drafting Information

The principal persons involved in drafting this rulemaking are Mr. Christopher Young, Project Manager, Office of Navigation, and Lieutenant Mark Hanlon, Project Attorney, Office of Chief Counsel.

Discussion of Comments

Comments were received from 20 sources. Three commenters were neutral on whether a traffic separation scheme was appropriate for the approaches to Galveston Bay (the Minerals Management Service in the Department of the Interior; Shell Offshore, Inc.; and the Associated Branch Pilots from the Lower Mississippi River). The other seventeen were strongly in favor of the TSS. There were no negative comments on the TSS, though several commenters had suggestions on how the approaches to Galveston could be improved. However, many of these recommendations were beyond the scope of this rulemaking. They are identified below and will be analyzed in another forum such as the Houston/Galveston Navigation Safety Advisory Committee. The Committee held its first meeting on October 16 1982, and was presented with many of the items

brought up by the commenters on this rulemaking. The comments can be classified under the following subjects:

New Chart

Three commenters noted the difficulty of having to plot the TSS on two separate navigation charts (National Ocean Survey 11332 and 11323). The Coast Guard agrees that there is a need for a single chart encompassing the approaches to Galveston. Having to switch charts in the middle of a difficult piloting situation is certainly not conducive to safety. The correction of this problem is not within the jurisdiction of the Coast Guard. The National Ocean Survey is currently preparing a new chart (to be numbered 11330) which will cover the coastline from Freeport to Calcasieu and will eventually include the designated TSS lanes. The new chart may not be available until mid 1984.

Aids to Navigation

Several commenters expressed concern about the buoyage system to be used in the TSS, and the aids on the structures near the TSS. Tentatively, the Eighth Coast Guard District, which is responsible for the aids in the Galveston area, plans to provide six buoys in the center of the separation zone at the following geographical positions:

"GB"—29°10'03"N., 94°27'25"W.

"GC"—29°11'24"N., 94°29'03"W.

"GD"—29°12'46"N., 94°30'40"W.

"GE"—29°14'07"N., 94°32'18"W.

"GF"—29°15'29"N., 94°33'55"W.

"GG"—29°16'50"N., 94°35'33"W.

The buoys will be yellow colored with yellow flashing lights and will mark the centerline of the separation zone. However, it is to be emphasized that this is a tentative arrangement, subject to change based on the wide variety of factors involved in the design of the buoyage system.

As for aids on structures located near the traffic lanes, every offshore structure is expected to be in compliance with the appropriate regulations (contained in 33 CFR Part 67) and this rulemaking is not considered the proper vehicle for altering those requirements.

One commenter recommended that the Sea Buoy ("GA") be moved to be in line with the separation zone. The Eighth Coast Guard District will be evaluating the locations of all aids associated with the TSS. Decisions as to the relocation of existing aids are not final at this time.

Once all of the buoys are in place in the center of the separation zone, the

Coast Guard will issue a Notice to Mariners recommending that vessel traffic voluntarily begin complying with lane directions pending the final effective date of the TSS under IMO guidelines. The IMO has said that the scheme can become effective "only after adequate centre (sic.) line marking of the separation zone by buoys has been established."

Definitions

One commenter noted that the definitions used in the proposed rules differed from the formal IMO definitions for the same terms such as "traffic lane" and "precautionary area". The Coast Guard's intent in the NPRM was to use clear and simple definitions which would still be perfectly compatible with the IMO definitions. But the Coast Guard agrees that there would be less doubt about the identical nature of the TSS in U.S. and IMO rulemaking if the definitions are worded the same way. Therefore, § 167.05 has been rewritten. This does not make any change in the intent or meaning of the regulations.

The same commenter asked that the distinction between shipping safety fairways and traffic separation schemes be made more clear in the preamble to the final rule. The distinction is especially significant in the case of the Galveston TSS because it will overlay an existing fairway. In general, a fairway (as defined in 33 CFR 166.105(a), published on June 30, 1983, at 48 FR 30110) is "an area in which no structures, temporary or permanent will be permitted". This is intended to provide vessel traffic with an area free of obstructions. However, the existence of a shipping safety fairway is not intended to alter the applicable navigation rules. Vessels are expected to obey international navigation rule (72 COLREGS) while using offshore safety fairways. A safety fairway would be the appropriate routing measure in areas which are subject to potential offshore development in conflict with heavy vessel traffic.

On the other hand, a traffic separation scheme is used to organize congested traffic by designating directional lanes and by imposing 72 COLREGS Rule 10 on vessels operating in the area. Although the IMO guidelines on TSS's say that "as far as practicable" structures are not to be established in designated TSS's, there is no strict rule in U.S. regulations. Therefore, because the approach to Galveston is subject to both offshore development and heavy

traffic congestion, the two measures will work together to provide a safer access route into Galveston.

Several commenters had concerns which involved the characteristics of a fairway rather than those of the TSS. For instance, one letter asked that the Coast Guard keep structures at least 500 feet from the edge of the TSS. However, the dimensions of the fairway are already fixed by the existence of structures along the edge. Also, it is the Corps of Engineers rather than the Coast Guard which has the authority to prohibit structures outside of the fairway boundaries. The alternative is for the Coast Guard to decrease the width of the traffic lanes by 500 yards to create a "buffer"; but that loss of lane space does not seem to be warranted where the entire scheme is identified as being an obstruction-free fairway.

Another concern raised by a commenter which should be addressed through the fairway regulations rather than the TSS regulations is the issue of pipeline burial standards. The Coast Guard will be reviewing the current pipeline burial practices in offshore fairways to determine whether regulations would contribute to navigation safety.

One commenter petitioned for an increase in the fairway area seaward of the TSS and for management of traffic in the Galveston Entrance Channel by use of auxiliary channels if the deep draft channel in the separation zone becomes operational. These comments fall beyond the scope of the NPRM and they will be evaluated by the Eighth Coast Guard District for further action.

Effective Date

One commenter was concerned that the TSS might be imposed on U.S. mariners before it is adopted internationally by IMO. As mentioned in the NPRM (47 FR 26168), the Coast Guard intends that the U.S. regulations for the TSS in the approach to Galveston Bay become effective simultaneously with the international effective date approved under IMO procedures.

At the 48th Session of the IMO Maritime Safety Committee which was held in London in June 1983, the Galveston TSS was formally adopted with an effective date not earlier than November 17, 1983. The six months delay between the adoption and the effective date is to permit hydrographic offices around the world to enter the TSS on appropriate charts. If unforeseen delays occur, and the separation zone buoys are not in place prior to January 1, 1984, the effective date of the scheme will be postponed.

Scheme Description

In compliance with a request from the IMO Subcommittee on Safety of Navigation in October 1982, the geographical coordinates for describing the TSS were changed from degrees, minutes and seconds to degrees, minutes and decimals of minutes. The same change has been made in this rulemaking to ensure that the IMO and CFR descriptions are identical. No significant change to the description of the scheme results from the use of decimals.

Additional Regulation of Vessel Traffic

Three commenters requested that the Coast Guard impose strict rules on the operations of vessels within the area to be designated as the inshore precautionary area. The argument is that since the area is used for taking on and letting off pilots, ships should be allowed in that area only for that purpose and should not be permitted to anchor there. However, since Rule 10 already calls on vessels to "avoid anchoring" in the TSS, including the precautionary area, and since the Houston pilots have recently set up a queuing system (to line vessels up in an orderly manner and reduce the congestion of the "first come, first served" situation), the Coast Guard does not believe further regulation is necessary at this time. The pilot boarding situation will instead be highlighted by a note associated with the inshore precautionary area. The note is a part of the IMO TSS description and will be added to the description in the Code of Federal Regulations. The Coast Guard will also request that the National Ocean Survey add the note to the appropriate charts. The note reads as follows: "A pilot boarding area is located near the center of the inshore precautionary area. Due to heavy vessel traffic, mariners are advised not to anchor or linger in this precautionary area except to pick up or disembark a pilot."

Requests by commenters to expand the use of the Vessel Traffic Service (VTS) into the TSS is beyond the scope of this rulemaking. The Coast Guard expects that the Houston/Galveston Navigation Safety Advisory Committee will explore the uses of VTS in the approaches to Galveston.

Temporary Adjustments

One commenter suggested that temporary adjustments to TSS's as allowed by 33 CFR 167.15 be limited to 72 hours and that permanent changes not be made before affected industry has had an opportunity to comment on

economic impacts. Section 167.15(a) concerns permanent modifications to TSS's and ensures that the public will have an opportunity to comment on a notice of proposed rulemaking where a permanent change to a TSS description is involved. On the other hand, § 167.15(b) provides flexibility for making short term adjustments to TSS's under circumstances where a permanent change is not warranted. For instance, the adjustment rule is designed to allow for exploratory offshore drilling where a temporary lane shift or precautionary area may be the most appropriate means of protecting navigation safety while allowing offshore interests to explore for resources. These operations often involve complicated scheduling of equipment and require several days of on site activity. This flexibility is permitted under IMO guidelines. Along the coast of California, adjustments for three months have been made to the TSS lanes during exploratory drilling.

While acknowledging that an adjustment for exploratory drilling will not take place in the Galveston TSS (because of the underlying fairway), the Coast Guard intends the rules to apply to all TSS's promulgated under the Ports and Waterways Safety Act (PWSA), and to duplicate as nearly as possible the IMO guidelines. Therefore, a limitation on the length of a temporary adjustment would be overly restrictive and would inhibit the Coast Guard's ability to accommodate "the needs of other uses" of the waterway, as encouraged and authorized by the PWSA [33 U.S.C. 1223(4)(c)(5)(C)].

Although adjustments can be made on the initiative of the Coast Guard to accommodate needs of safe navigation when it becomes aware of a potential TSS interference in the ordinary course of operations, the person or company which is directly affected by the TSS and believes an adjustment is needed may petition the Coast Guard for an adjustment. Section 167.15(b) has been modified to make this opportunity clear, and to indicate that such petitions should be submitted to the District Commander of the district in which the TSS is located. A lead time of 150 days is inserted in the rule because IMO guidelines request that a notice of an adjustment to a TSS be made internationally at least 120 days before the operation begins. The 120-day notice is needed for circulation of the specific changes to hydrographic offices which are responsible for issuing notices to mariners. An additional month is considered an adequate time for Coast Guard review of the request before it is

forwarded to IMO headquarters by the Commandant.

Anchorage Areas

Two commenters recommended that the fairway anchorage areas located on both sides of the Galveston fairway be relocated to a point near the offshore end of the TSS. The present location, according to one comment, "makes it extremely difficult for the vessel anchored to enter the scheme in accordance with [Rule 10], i.e., crossing a lane at right angles and entering the other lane at as small an angle to the flow of traffic as is possible." While the Coast Guard acknowledges the merit in this recommendation, it would be very difficult to relocate the existing anchorages at this time because of extensive offshore leasing of blocks in the area and location of existing structures. The present location of the anchorages, while not optimal, does not appear to pose an unacceptable hazard to navigation and should not be cause for delay of the TSS. The Coast Guard will encourage the Advisory Committee to study the situation and make recommendations.

Separation Zone

One commenter expressed concern about traffic in the separation zone. During the time the Galveston Approach TSS was being designed, the Coast Guard was aware of plans for dredging a 600-foot wide, 55-foot deep channel through the fairway and took this project into account by locating the 1000-foot separation zone over the proposed centerline of the deep draft channel which will not be along the center of the existing fairway. Although there have been several delays in the dredging project, the Coast Guard will retain the original design, in which the separation zone divides the fairway unevenly and the inbound lane is wider than the outbound lane. Buoys will be installed on the centerline of the separation zone pending further developments. Should the dredging become imminent, the Coast Guard will evaluate the need for a parallel set of buoys along the sides of the separation zone and will determine a suitable method of traffic management for deep draft traffic using the dredged channel. It is expected that the Advisory Committee will anticipate and address the problems associated with the channel and will make recommendations to the Coast Guard. In the meantime, Rule 10 strictly limits when vessels may enter the separation zone.

Regulatory Evaluation

Neither the establishment of, nor compliance with, the traffic separation scheme in the approach to Galveston Bay is expected to have an economic impact on industry, small entities, consumers, or the ability of U.S. enterprises to compete with foreign interests. Also, the only environmental impact will be positive, from a lower risk of environmental damage resulting from vessel accidents.

Vessels will not be required under these rules to use the TSS lanes during an approach to Galveston Bay. A vessel can enter the Galveston Entrance Channel from an anchorage area without entering a designated traffic lane. However, due to the funnelling-effect of the fairway into Galveston Entrance Channel, and the convenience of following a directional flow of traffic, vessel operators are expected to prefer using the TSS. Once a vessel is within the designated TSS, it will be governed by the operating rules of Rule 10 (72 COLREGS) as made applicable by § 167.10.

Although existence of a TSS can affect the operations of fishing vessels, no negative economic impact is expected in the Galveston area because of the TSS. By making Rule 10 applicable in the TSS, the regulations (§ 167.10) require a fishing vessel in a traffic lane, like any other vessel, to proceed in the "general direction of traffic flow" (Rule 10(b)(i)). Also, "a vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane" (Rule 10(h)(i)). In other words, a fishing vessel will not be permitted to pull its nets or trawl against the flow of traffic in a lane. However, while vessels are normally not to enter a separation zone between the lanes, a fishing vessel is specifically permitted to enter a separation zone to engage in fishing (Rule 10(h)(ii)). Shrimping and fishing vessel operators in the area 13 Galveston are not expected to be affected by having a TSS in the approach fairway. Fishing activity has already been limited by the heavy vessel traffic in the fairway.

The traffic separation scheme will overlay an existing shipping safety fairway; therefore, it will not create a new interference with drilling operations and it will not interfere with access to offshore resources.

For the above reasons, these regulations are considered non-significant and non-major under guidelines set out in "Policies and Procedures for Simplification, Analysis and Review of Regulations" (DOT Order 2100.5 of 22 May 1980) and in Executive

Order 12291. These rules will not impose reporting requirements and will not have an annual effect on the economy of 100 million dollars. The new TSS will not result in a major increase in costs or prices for consumers, individual industries or geographic regions; and it will not have an adverse effect on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. Further regulatory evaluation is not necessary because the impact is expected to be minimal.

It is hereby certified, pursuant to section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164, Pub. L. 96-354), that this action will not have a significant economic impact on a substantial number of small entities. While improving navigation safety, the new TSS will impose no costs on the vessels affected by it.

List of Subjects in 33 CFR Part 167

Navigation (water), Vessels, Traffic separation scheme.

In consideration of the foregoing, a new Part 167, Subchapter P of Title 33 of the Code of Federal Regulations, is added to read as follows:

PART 167—OFFSHORE TRAFFIC SEPARATION SCHEMES

Subpart A—General

- Sec.
- 167.1 Purpose.
- 167.5 Definitions.
- 167.10 Operating rules.
- 167.15 Modification of schemes.

Subpart B—Description of Traffic Separation Schemes and Precautionary Areas

- 167.100 Galveston Bay Approach Traffic Separation Scheme and Precautionary Areas.

Authority: Sec. 4, 92 Stat. 1473 (33 U.S.C. 1223); 49 CFR 1.46(n).

Subpart A—General

§ 167.1 Purpose.

The purpose of the regulations in this part is to establish and designate traffic separation schemes and precautionary areas to provide access routes for vessels proceeding to and from U.S. ports.

§ 167.5 Definitions.

(a) "Traffic separation scheme" (TSS) means a designated routing measure which is aimed at the separation of opposing streams of traffic by appropriate means and by the establishment of traffic lanes. The

elements of a TSS include traffic lanes, a separation zone or line, and, in many cases, precautionary areas.

(b) "Traffic lane" means an area within defined limits in which one-way traffic is established. Natural obstacles, including those forming separation zones, may constitute a boundary.

(c) "Separation zone or line" means a zone or line separating the traffic lanes in which ships are proceeding in opposite or nearly opposite directions; or separating a traffic lane from the adjacent sea area; or separating traffic lanes designated for particular classes of ships proceeding in the same direction.

(d) "Precautionary area" means a routing measure comprising an area within defined limits where ships must navigate with particular caution and within which the direction of traffic flow may be recommended.

§ 167.10 Operating rules.

The operator of a vessel in a TSS shall comply with Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972, as amended.

§ 167.15 Modification of schemes.

(a) A traffic separation scheme or precautionary area described in this Part may be permanently amended in accordance with 33 U.S.C. 1223 (92 Stat. 1473), and with international agreements.

(b) A traffic separation scheme or precautionary area in this Part may be temporarily adjusted by the Commandant of the Coast Guard in an emergency, or to accommodate operations which would create an undue hazard for vessels using the scheme or which would contravene Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972. Adjustment may be in the form of a temporary traffic lane shift, a temporary suspension of a section of the scheme, a temporary precautionary area overlaying a lane, or other appropriate measure. Adjustments will only be made where, in the judgment of the Coast Guard, there is no reasonable alternative means of conducting an operation and navigation safety will not be jeopardized by the adjustment. Notice of adjustments will be made in the appropriate Notice to Mariners and in the *Federal Register*. Requests by members of the public for temporary adjustments to traffic separation schemes must be submitted 150 days prior to the time the adjustment is desired. Such Requests, describing the interference that would otherwise occur to a TSS, should be submitted to the District Commander of the Coast Guard District in which the TSS is located.

Subpart B—Description of Traffic Separation Schemes and Precautionary Areas

§ 167.100 Galveston Bay Approach Traffic Separation Scheme and Precautionary Areas.

(a) An inshore precautionary area bounded by a line connecting the following geographical positions:

Latitude	Longitude
(1) 29° 18.10' N.	94° 39.20' W
(2) 29° 16.10' N.	94° 37.00' W
(3) 29° 18.00' N.	94° 34.90' W
(4) 29° 19.40' N.	94° 37.10' W
(5) 29° 19.80' N.	94° 38.10' W.

(b) A traffic separation zone bounded by a line connecting the following geographical positions:

Latitude	Longitude
(6) 29° 17.15' N.	94° 35.80' W
(7) 29° 09.20' N.	94° 28.23' W
(8) 29° 09.05' N.	94° 26.36' W.
(9) 29° 17.04' N.	94° 35.93' W

(c) A traffic lane for inbound (northwesterly heading) traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
(3) 29° 16.00' N.	94° 34.90' W.
(10) 29° 11.20' N.	94° 24.00' W

(d) A traffic lane for outbound (southeasterly heading) traffic is established between the separation zone and line connecting the following geographical positions:

Latitude	Longitude
(2) 29° 16.10' N.	94° 37.00' W.
(11) 29° 07.70' N.	94° 27.80' W

(e) An offshore precautionary area bounded by a line connecting the following geographical positions:

Latitude	Longitude
(11) 29° 07.70' N.	94° 27.80' W.
(12) 29° 06.40' N.	94° 26.20' W.
(13) 29° 06.40' N.	94° 23.90' W.
(14) 29° 09.10' N.	94° 20.80' W.
(10) 29° 11.20' N.	94° 24.00' W.

Note.—A pilot boarding area is located near the center of the inshore precautionary area. Due to heavy vessel traffic, mariners are advised not to anchor or linger in this precautionary area except to pick up or disembark a pilot.

[92 Stat. 1473 section 4(c); 33 U.S.C. 1223(4)(c); 49 CFR 1.46(n)]

Dated: July 14, 1983.

H. H. Kofhe,

Captain, U.S. Coast Guard, Acting Chief,
Office of Navigation.

[FR Doc. 83-21920 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-14-M

46 CFR Parts 31, 32, and 35

[CGD 80-009]

Correction of Miscellaneous Disparities in 46 CFR Subchapter D, Tank Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These amendments eliminate minor disparities that exist between various Coast Guard regulations governing tank vessels. The regulations affected concern inspection requirements, special equipment, and operations. These amendments benefit tank vessel owners and operators by revising various provisions to eliminate conflicting requirements.

EFFECTIVE DATE: This amendment is effective on September 12, 1983.

FOR FURTHER INFORMATION CONTACT: Lt John Astley (G-MVI-2), Room 2612, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-2190. Normal office hours are between 7:00 a.m. and 5:00 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: On November 8, 1982, the Coast Guard published a notice of proposed rulemaking (47 FR 50525) concerning these amendments. Interested persons were given until December 23, 1982 to submit comments. Three letters were received in response to the Notice of Proposed Rulemaking.

Discussion of Major Comments

Section 31.01-1(b). One commenter suggested that proposed paragraph (b) introduced a substantial change which would adversely affect tank vessels in the grain trade, by requiring that they be clean of cargo residue and gas free in order to be exempt from Subchapter "D" regulations. This was not intended. The section only deals with tank vessels which are laid up, dismantled, and out of commission. In order to be exempt from Subchapter "D" regulations, a laid up, dismantled and out of commission tank vessel must be clean of cargo residue and maintained in a gas free condition. In the final rule the reference to tank vessels removed from the bulk liquid cargo service has been deleted.

Section 32.50-15(a)(2). This section authorizes the use of a portable piping system when handling grades D and E cargoes, provided the system satisfies the requirements of § 32.50-15 (a)(2)(i) thru (a)(2)(v) inclusive. A commenter questioned whether all the portable piping requirements listed in paragraph § 32.50-15(a)(2) applied to vessels

transferring only animal fats and vegetable oils. The proposed regulation was not very clear. Paragraphs (a)(2)(iv) and (a)(2)(v) do not apply when transferring animal fats or vegetable oils. The final rule clarifies this point.

Section 35.05-15(b). One commenter pointed out that the proposed regulation represents a substantive change in that it requires a security watch on a moored tank barge carrying any Subchapter "D" commodity. The old regulation allows for an alternative; it is the securing of all cargo tank hatches and the posting of appropriate warnings. The existing requirement was only in conflict with 33 CFR 155.810 when a barge carried an oil product. Since all Subchapter "D" commodities are not oils, the final rule has been modified to reflect the need for a security watch on a moored barge carrying oil. The old alternative will be allowed when a moored barge has only non-oil Subchapter "D" products on board.

(b) Some confusion exists as to what constitutes a security watch. The watchman is a person who is responsible for the security of the barge and for keeping unauthorized persons off the barge. The degree of vessel security needed is assessed by the Captain of the Port on a case by case basis, taking into account the particulars of the mooring facility, location of personnel acting as watchman, environmental considerations and other factors which affect the situation. Normally one person may watch more than one barge if located at a terminal or fleeting area.

Final Evaluation

The regulations have been evaluated under Executive Order 12291 and determined to be non-major. They have also been evaluated under the Department of Transportation's Policies and Procedures for Simplification, Analysis, and Review of Regulations (44 FR 1103, February 26, 1979 as amended by 44 FR 28126, May 14, 1979) and determined to be non-significant.

With one exception the regulations impose no new requirements. They merely amend the regulations governing tank vessels by eliminating minor disparities that exist between Subchapter D of Title 46 CFR and the Pollution Prevention regulations in Subchapter O of Title 33 CFR. The regulation changes provide for uniformity in the two sections of regulations thereby eliminating conflicting requirements. The elimination of these disparities will benefit all users without additional costs.

The one new requirement is contained in 46 CFR 35.35-30, "Declaration of Inspection." A check of the vessel's inert gas system has been added to the items listed in the Declaration of Inspection. The proper operation of the inert gas system is currently required by another regulation. The addition of this item to the Declaration of Inspection form merely serves as a reminder to the senior deck officer to ensure that the requirement of another regulation is being met. No additional burdens are imposed. Therefore a full regulatory evaluation is not warranted and none has been prepared.

The Coast Guard has assessed the environmental effects of these rules and found no significant adverse impact on the environment.

Under the Paperwork Reduction Act, the Office of Management and Budget has approved the Declaration of Inspection checkoff list in existing 46 CFR 35.35-30(b). This amendment adds one more item to that list, item (b)(12) concerning the operation of the inert gas system. As the regulations in 46 CFR 35.35-20 require the person who is to complete the checklist to inspect the inert gas system, the addition of item (b)(12) to the checklist does not impose any additional burden.

The regulations have been evaluated under Public Law 96-354 (94 Stat. 1168) and, based upon facts discussed above, they are certified to have no significant economic impact on a substantial number of small entities.

OMB Control Numbers

Information collection requirements contained in these regulations at 46 CFR 35.35-30 have been approved by the Office of Management and Budget under 44 U.S.C. Chapter 35 and have been assigned OMB approval number 2115-0506.

List of Subjects

46 CFR Part 31

Marine safety, Tank vessels, Barges, Law enforcement, Flammable materials.

46 CFR Part 32

Marine safety, Fire protection, Tank vessels, Barges.

46 CFR Part 35

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Tank vessels, Barges, Seamen.

In consideration of the foregoing, Parts 31, 32, and 35 of Subchapter D, Chapter 1, Title 46, Code of Federal Regulations are amended as follows:

PART 31—INSPECTION AND CERTIFICATION

1. By revising paragraph (b) of § 31.01-1 to read as follows:

§ 31.01-1 Inspections required—TB/ALL

(b) Tank vessels which are laid up, dismantled, and out of commission are exempt from inspections required by law or regulations in this subchapter, provided that such vessels are cleaned of all cargo residue and maintained in a gas free condition.

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

2. By revising paragraph (a)(2) of § 32.50-15 to read as follows:

§ 32.50-15 Cargo piping on tank vessels constructed on or after July 1, 1951—TB/ALL.

(a) * * *

(2) Tank vessels carrying only Grades D and E cargo may use a portable piping system in lieu of a fixed piping system meeting the requirements of paragraph (a)(1) of this section, provided—

(i) The hose complies with 33 CFR 154.500 or the portable piping complies with Part 56 of this chapter;

(ii) The connections comply with 33 CFR 156.130;

(iii) A shutoff valve is at or near the point of entry into the tank;

(iv) Except for the carriage of animal fats and vegetable oils, the system has a closure which forms a vapor-tight seal on the tank opening through which the cargo is transferred, is bolted or dogged in place, and has the hose and drop line connected to it; and

(v) Except for the carriage of animal fats and vegetable oils, the system has a metallic drop line which complies with 46 CFR 153.282.

3. By revising § 32.50-30 to read as follows:

§ 32.50-30 Cargo hose—TB/ALL

Cargo hose carried on tank vessels must be suitable for oil service and designed to withstand the pressure of the shutoff head of the cargo pump or pump relief valve setting, less static head, but in no case less than 150 pounds per square inch.

Note.—For additional requirements concerning cargo hose, see 33 CFR 154.500, 155.800 and 156.170.

PART 35—OPERATIONS

4. By revising paragraph (b) of § 35.05-15 to read as follows:

§ 35.05-15 Watchman for a tank vessel—TB/ALL.

(b) *Unmanned barge.* (1) A strict watch of each unmanned barge in tow must be maintained from the towing vessel while underway.

(2) When a barge is moored and contains more oil than the normal clingage and unpumpable bilge or sump residues, the barge must be kept under surveillance by a person responsible for the security of the barge and for keeping unauthorized persons off the barge.

(3) When a barge is moored and contains no oil but is not gas free—

(i) It must be maintained under surveillance as required in paragraph (b)(2) of this section; or

(ii) All cargo tank hatches must be clearly marked in not less than three inch lettering "Danger—Keep Out," and all hatch covers must be closed and dogged down in such a way that the hatch cannot be opened by the use of bare hands alone.

5. By revising § 35.30-40 to read as follows:

§ 35.30-40 Flammable liquid and gas fuels as ship's stores—TB/ALL.

(a) Flammable liquids and gases other than diesel fuel, to be used as fuel for approved equipment must satisfy the following:

(1) Stowage must be in containers approved by DOT, ICC, or A.S.M.E. for the contents carried, or in a portable safety container approved by a recognized testing laboratory for the contents carried.

(2) The contents must be marked on the containers, and the containers must be labeled in accordance with DOT requirements for flammable liquids and gases.

(3) Containers must be stowed on or above the weather deck in locations designated by the master. Containers specified in paragraph (a)(1) of this section which do not exceed a capacity of five gallons may be stowed below the weather deck in a paint or lamp locker.

(b) Diesel fuel must be stowed in locations designated by the master.

6. By revising paragraph (a) of § 35.35-15 to read as follows:

§ 35.35-15 Connecting for cargo transfer—TB/ALL.

(a) Movement of the vessel must be considered to insure safe cargo transfer. Suitable material must be used in joints and in couplings to insure that connections are tight. A bolted flanged

coupling must not have less than four bolts, under any circumstances.

7. By revising paragraphs (d) and (j) of § 35.35-20 to read as follows:

§ 35.35-20 Inspection prior to transfer of cargo—TB/ALL.

(d) All cargo connections have been made to the vessel's pipeline, and not through an open end hose led through a hatch.

(j) In loading Grades A, B, or C cargoes, that an inspection has been made to determine whether smoking may be permitted with reasonable safety in areas other than the weather deck.

8. By revising § 35.35-30 to read as follows:

§ 35.35-30 "Declaration of Inspection" for tankships—T/ALL.

(a) After an inspection under § 35.35-20 but before cargo transfer, the senior deck officer on duty shall prepare, in duplicate, a Declaration of Inspection. The original must be kept aboard the vessel and the duplicate provided to the terminal supervisor or that person's representative. The terminal supervisor or that person's representative may, upon demand, inspect the vessel to determine whether its condition is as stated on the Declaration of Inspection.

(b) The Declaration of Inspection must read as follows:

Declaration of Inspection prior to Bulk Cargo Transfer

Date _____
Vessel _____
Port of _____

I, _____, the senior deck officer in charge of the bulk cargo transfer about to be undertaken, do certify that I have personally inspected this vessel with reference to the following requirements set forth in 46 CFR § 35.35-20, and that opposite each of the applicable items listed below I have indicated whether the regulations have been complied with.

- (1) Are warnings displayed as required?
- (2) Is there any repair work in way of cargo spaces being carried on for which permission has not been given?
- (3) Have cargo connections been made as described in 46 CFR 35.35-15 and are cargo valves set?
- (4) Have all cargo connections been made to the vessel's pipeline and not through an open-end hose led through a hatch?
- (5) Are there any fires or open flames present on the deck or in any compartment which is located on, open or adjacent to or facing the main deck of the vessels on which the cargo connections have been made?

(6) Has the shore terminal or other tank vessel concerned reported itself in readiness for transfer of cargo?

(7) Are sea valves connected to the cargo piping system closed?

(8) If Grades A, B, or C cargoes are to be loaded and boiler fires are lighted, has an inspection been made to determine whether these fires may be maintained with reasonable safety?

(9) If Grades A, B, or C cargoes are to be loaded and galley fires are lighted, has an inspection been made to determine whether the galley fires may be maintained with reasonable safety?

(10) If Grades A, B, or C cargoes are to be loaded, has an inspection been made to determine whether smoking is to be permitted in areas not on the weather decks?

(11) If smoking is to be permitted in areas not on the weather decks, have those areas been designated?

(12) Is the inert gas system being operated as necessary to maintain an inert atmosphere in the cargo tanks in compliance with 46 CFR 32.53-57?

(Approved by the Office of Management and Budget under OMB control number 2115-0506)

(46 U.S.C. 39a; 49 CFR 148(n)(4))

Dated: June 20, 1983.

L. N. Hein,

Captain, Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 83-21927 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 1 and 73**

[BC Docket No. 81-698; FCC 83-337]

Radio Broadcast Services; Amendment of the Commission's Rules To Eliminate the Requirement for Type Approval of Aural Modulation Monitors

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The Commission has amended its rules to eliminate the requirement that aural modulation monitors used by AM, FM, and TV broadcast stations be type approved. Rules requiring the operator on duty to have continuous access to modulation level indications have also been deleted, as have those requiring licensees to install equipment to monitor modulation levels. These rules were no longer considered necessary because licensees must obey the general Commission rules governing modulation levels and must install whatever equipment is necessary to ensure compliance. As a result,

licensees will have greater freedom to choose the particular method for monitoring modulation levels.

DATE: Effective September 8, 1983.

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

FOR FURTHER INFORMATION CONTACT: Kathryn S. Hosford, Mass Media Bureau (202) 632-9660.

List of Subjects in 47 CFR Part 73
Radio broadcast, Television.

SUPPLEMENTARY INFORMATION:
Report and Order

In the matter of amendment of Part 73 of the Commission's rules and regulations to eliminate the requirement for type approval of Aural Modulation Monitors: BC Docket No. 81-698.

Adopted: July 14, 1983

Released: August 2, 1983.

By the Commission.

Introduction

1. On September 30, 1981, the Commission adopted on its own motion a *Notice of Proposed Rule Making* ("Notice") in this proceeding (FCC 81-448, 46 F.R. 52398). The *Notice* proposed to eliminate the requirement that aural modulation monitors used by AM, FM, and TV broadcast stations be type approved. Comments also were requested on whether the operator on duty must have continuous access to modulation level indications.¹

2. Comments were filed by the Harris Corporation ("Harris"), Belar Electronics Laboratory, Inc. ("Belar"), the National Association of Broadcasters ("NAB"), Hall Communications, Inc. ("Hall"), joint comments of several radio and television station licensees ("Joint Commenters"), the National Radio Broadcasters Association ("NRBA"), American Broadcasting Companies, Inc. ("ABC"), joint comments of General Electric Broadcasting Company, Inc. and General Electric Broadcasting Company of Colorado, Inc. ("GEBCO"), and the Association for Broadcast Engineering Standards, Inc. ("ABES").² A letter of support was also received from Roger I. Strand, Chief Engineer of WLEF-TV, Park Falls, Wisconsin. No reply comments were filed.

¹ At the same time, two outstanding proceedings (Docket Nos. 18063 and 18360) and three petitions (RM's-1290, 1380, and 3025) dealing with modulation monitors were either terminated without action or denied. The *Notice* inherently encompassed the concerns of these items in view of the fact that it proposed deletion of the sections addressed.

² NRBA, GEBCO, ABC, ABES, and the Joint Commenters filed their comments during the reply comment period but addressed issues raised in the *Notice* rather than the comments of other parties. Therefore, their responses will be treated as comments.

3. In the *Notice*, the Commission stated that type approval of aural modulation monitors may no longer be necessary to ensure the proper operation of broadcast stations. Since stations must conform to the operating requirements of the rules governing modulation levels, we questioned the need for licensees to be restricted to using only tested and approved monitoring equipment. We noted that the present requirements, some dating back to 1939, may actually impede the development of improved monitoring equipment and methods.

4. The Commission currently tests modulation monitors to ensure that they comply with a number of rules relating to their operational capabilities before they can be marketed. The proposal in the *Notice* would delete this testing program and permit the marketing of modulation monitors with different characteristics and capabilities. This change would free licensees to choose or develop the method of monitoring modulation that best meets their individual needs.

Comments

5. Except for Hall and Belar, the commenting parties support eliminating the type approval requirement. The benefit cited most often was the "freedom to more easily develop and use new monitor technology." However, concern was expressed that some broadcasters might choose to operate their stations with inaccurate equipment or marginally adequate methods. Some parties state that this could result in licensees unknowingly causing interference or reducing their service areas. To protect against this possibility, NRBA suggests that the Commission continue to specify minimum standards for modulation monitors. It states that such a requirement would reduce uncertainty while eliminating the need for type approval. GEBCO, ABC, and the Joint Commenters also are concerned about compliance. They suggest that the Commission continue an optional type approval program. It is asserted that this would permit broadcasters, especially small-market broadcasters who lack the technical expertise to independently judge the accuracy of modulation monitor equipment, to have the option of using Commission-tested equipment.

6. Hall and Belar favor maintaining the type approval requirement and urge the Commission to update the rules to reflect current technology. They claim that broadcasters operating with inferior monitoring equipment would cause increased interference and service degradation. Hall suggests that manufacturers could have the freedom

to incorporate new designs if the strict meter regulations were removed from the rules.

Discussion

7. *Type Approval of Modulation Monitors*—The Commission's review of the comments indicates that although many parties support eliminating the type approval requirement, they also wish to maintain regulations concerning the characteristics of modulation monitors. These parties believe that licensees who lack technical sophistication would choose "certified" monitoring equipment if the Commission provided a testing program or set minimum performance standards. Yet the question posed by the *Notice* was whether the Commission's testing program was necessary for broadcast licensees to maintain proper modulation levels. Those comments urging continued regulation have failed to indicate the relationship between the type approval program and the proper maintenance of modulation levels. We are not persuaded that technically unsophisticated licensees now operate their stations within proper limits just because they use a type approved modulation monitor. The type approval process does not guarantee correct installation, operation, or maintenance of modulation monitors. Consequently, eliminating this requirement should not result in increased interference or poor service. Licensees possessing only marginal technical competence are more likely to use only readily available monitoring equipment than to develop their own modulation monitoring methods.³ We have decided, therefore, to delete the requirement for type approval and allow broadcasters to use any method to measure aural modulation levels and, if transmitting stereophonic programs, the stereophonic signal parameters.

8. We have also decided to reject the suggestion to maintain an optional type approval program, on either an interim or permanent basis, and the related suggestion to retain minimum requirements. Such restrictions may tend to curtail the variety of equipment

³ Some of the comments indicate that elimination of the type approval requirement would result in the marketing of monitors with varying measurement accuracies. In this situation, licensees using less accurate equipment would be more likely to operate their stations improperly. The Commission believes that this concern with accuracy is overstated. Manufacturers generally furnish technical specifications, including a description of accuracy, for their equipment. Certainly licensees, even those lacking a high degree of technical sophistication, can review technical specifications to determine equipment accuracy.

that may be offered. An optional testing program might create the impression that an "approved" monitor was better than an "unapproved" monitor. Manufacturers of modulation monitors probably would request testing of their equipment to avoid the competitive stigma of not having the Commission's approval. Under these circumstances, testing would be unlikely to remain optional but would become a necessary step in the marketing process.

9. *Continuous Access Requirements*—The *Notice* also asked for comments on whether the rules requiring an operator on duty to have continuous access to modulation level indications should be retained. The current rules require not only that the modulating indications be available, but also that the monitor be within view of the operator at all times unless the transmitting system is equipped with an automatic limiting device. GEBCO, ABC, and the Joint Commenters contend that continuous monitoring of modulation levels ensures proper maintenance of a station's transmitter. They assert that the potential for interference would increase if these readings were not continuously available. They also claim that tighter control is more important now because of the additional use of AM Class I-A channels. Hall states that the monitor may be located at the transmitter and any method may be used to set the modulation level at the remote studio site. Hall further notes, "[a] simple receiver would suffice."⁴

10. On the other hand, NRBA suggests that elimination of this requirement is the logical extension of this deregulatory proceeding. ABES indicates that continuous access by the operator on duty is no longer essential for AM stations. While it urges the Commission to give licensees freedom to rely on procedures other than direct observations by the operator on duty, no specific alternatives were given.

11. Again, we are not persuaded that eliminating this requirement will cause licensees to abandon good engineering practices. The Commission has decided, therefore, to delete the rule sections requiring the indications of a modulation monitor to be available to the duty transmitter operator. Licensees will be held responsible for taking appropriate measures to ensure proper operation of their stations. Each and every procedural detail need not be stated for licensees to operate their stations in conformance with broadcast rules. Obviously, without a requirement for the

indications of the monitor to be available to the duty operator, licensees must have a procedure to measure and control modulation levels to ensure compliance with modulation limits. This may or may not require the indications to be available to the transmitter operator.

12. Paragraph 9 of the *Notice* stated that adoption of the proposed rules "would mean that licensees would simply be subject to the overall modulation limitations but could choose the manner, means, and level of effort to expend in achieving compliance." Notwithstanding the breadth of this language, the Appendix to the *Notice* still proposed to require licensees to "have a means to measure the total aural modulation level to comply with the individual modulation for its service." (Proposed § 73.1585.) Other proposed sections would have permitted certain operations (such as FM stereophonic broadcasting or the use of an FM subcarrier to relay information from the transmitter site to the remote control site) "upon the installation of suitable equipment" to determine compliance with the modulation limits. In other words, the proposed rules would have required the installation of suitable modulation monitoring equipment, though the equipment would not need to be type approved. After some consideration, we no longer believe that the rules should require the installation of modulation monitoring equipment for much the same reason as we believe the type approval program may be terminated. Licensees must comply with the overall modulation limits and the Commission need not stipulate each and every procedural detail necessary to maintain compliance. Licensees must of necessity have equipment installed and operating to ensure the limits are not exceeded. There is no reason for the Commission to require the obvious. For this reason, the rules we adopt today differ from those proposed in that they do not require the installation of measurement equipment before certain operations may begin. Moreover, all references to the installation of equipment to measure modulation levels are deleted.

13. The Commission recognizes that licensees will have to accept new responsibilities for selecting appropriate monitoring procedures given the nature of the rule changes adopted herein. Although licensees may be faced with an increased variety of usable monitoring devices, they have or soon must acquire the necessary skills to judge which monitoring method is best suited to their needs. Any attempt by

the Commission to continue any program of measuring-equipment authorization, or to establish minimal standards, may curtail the development of new and better measurement methods. Such an effect would be a disservice to all licensees because it would limit available options and stifle competition. Rather than a burden, the rule changes adopted herein offer licensees increased freedom to choose a monitoring system best suited to their individual needs.

14. Some parties request a clear statement of the enforcement procedure the Commission would use in the absence of the type approval program. They pointed out that the Commission, not station licensees, must determine ultimately if stations are operating with correct modulation levels. The concern appears to be that the Commission will make its measurements with equipment and procedures of much greater precision than generally used by the licensees. This should be a problem because under the amended rules, licensees must consider possible error in their own selected measurement method in adjusting operating levels to operate in conformance with the rules regardless of the procedure used.⁵

15. In taking these actions, the Commission emphasizes that the licensee's obligation to operate in accordance with the rules is not reduced in any way. Licensees are, and will continue to be, held strictly accountable for their broadcast operations and will be subject to FCC monitoring and inspections as always.⁶

16. The rule amendments adopted herein delete requirements that are no longer necessary. As a general guideline, the Commission believes the rules should state objectives and allow licensees the freedom to comply in the least burdensome way. The rules being adopted adhere to this principle and give the greatest possible freedom to licensees to select their own procedures.

⁵ Because the accuracy of individual monitoring equipment and measurement methods will vary, licensees will have to adjust their modulation levels to allow sufficient "headroom" to accommodate the equipment's margin of error. For example, if the indications of an FM monitor are accurate to within 5% of the actual modulation level, a licensee, allowing for this error, should not exceed the 95% indication to ensure that its total aural modulation does not exceed the 100% limit established by the rules. A station using a monitor of greater accuracy may operate closer to the maximum modulation limit. We believe that natural incentives exist for using the most accurate instruments and measurement methods because licensees desire to obtain their maximum permitted coverage areas.

⁶ Individual modulation levels for each service are set out either in our rules (Section 73.1570) or the system specifications required for stereophonic transmission of AM stations.

⁴ The Commission's experience indicates that receivers by themselves are not reliable for monitoring, or useful for setting modulation levels.

17. *Regulatory Flexibility Act Final Analysis*

I. *Need for Rules*

The Commission believes that the present requirements for aural modulation monitors to be type approved and for their indications to be continuously available to the operator on duty are no longer necessary. It also does not believe the rules need to require installation of modulation measurement equipment since licensees must of necessity have such equipment installed to properly maintain their modulation levels.

II. *Purpose of Rules*

The action taken in this proceeding will delete unnecessary requirements and allow licensees greater freedom to choose the particular method and equipment to monitor modulation levels.

III. *Flexibility Issues Raised in the Comments*

Most parties indicated that type approval of modulation monitors particularly aided small-market broadcasters. They alleged that many of these licensees lack technical expertise and use the type approval process as a safe and reliable means of complying with the Commission's standards. The Commission considered this issue and concluded that it was not a serious problem because type approval does not ensure compliance in operation, or calibration when necessary, after monitors are installed. Even with type approval, licensees must properly install and operate their monitors. Deletion of the type approval requirement will allow small-market and other broadcasters the freedom to pursue the most cost-effective means of monitoring modulation levels.

IV. *Significant Alternatives Not Adopted*

The Commission considered continuing the type approval process or, alternatively, retaining measurement accuracy standards for the benefit of small-market broadcasters. However, either option may discourage competition and limit the licensee's opportunity to choose more appropriate indicating and monitoring methods. We believe that small entities cannot be offered any alternatives which would be of less impact or greater benefit than the action taken herein.

18. Accordingly, it is ordered, pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, that Part 73 of the Commission's Rules is amended

effective September 8, 1983, as set forth in the attached Appendix. It is further ordered, that the proceeding in BC Docket No. 81-698 is hereby terminated.

19. Further information on this matter may be obtained by contacting Kathryn S. Hosford, Mass Media Bureau, (202) 632-9660.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 1—[AMENDED]

Part 1, Chapter 1, Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 1.1120 is revised by removing the first two fee requirements of paragraph (c)(1) and revising footnote 5 as follows:

§ 1.1120 Schedule of fees for equipment type approval, type acceptance, and certification.

* * * * *

(c) Type approval: ⁵

Item	Filing fee ¹	Grant fee ²
(1) Applications for type approval of equipment requiring tests:		
a. Part 73:		
1. Broadcast antenna phase monitor	\$2,400	\$800
2. Other Broadcasting equipment.	1,200	400

* * * * *

⁵ Whenever an item subject to type approval is required to comply with more than 1 set of technical specifications, separate fees will be required for each set of technical specifications for which compliance is examined. For example, a frequency monitor for AM and FM broadcasts will require payment of fees applicable to each. Likewise, combination units of items of the same type, for example, a combination of two radars, will require payment of 2 fees.

* * * * *

PART 73—[AMENDED]

Part 73, Chapter 1, Title 47 of the Code of Federal Regulations is amended as follows:

§ 73.50 [Removed]

2. Section 73.50 is removed in its entirety.

§ 73.56 [Removed]

3. Section 73.56 is removed in its entirety.

§ 73.67 [Amended]

4. Section 73.67 is revised by removing paragraph (a)(8) in its entirety.

§ 73.140 [Amended]

5. Section 73.140 is revised by removing paragraph (c)(5) in its entirety.

§ 73.253 [Removed]

6. Section 73.253 is removed in its entirety.

§ 73.274 [Amended]

7. Section 73.274 is revised by amending paragraph (b) to read as follows:

§ 73.274 Remote control authorizations.

* * * * *

(b) FM stations may transmit a subcarrier for remote control telemetry, in accordance with the provisions of § 73.319, without specific authority from the FCC.

§ 73.275 [Amended]

8. Section 73.275 is revised by removing paragraph (a)(8) in its entirety.

§ 73.317 [Amended]

9. Section 73.317 is revised by removing paragraph (c)(5) in its entirety.

§ 73.332 [Removed]

10. Section 73.332 is removed in its entirety.

§ 73.340 [Amended]

11. Section 73.340 is revised by removing paragraph (c)(3) in its entirety.

§ 73.342 [Amended]

12. Section 73.342 is revised by removing paragraph (j) in its entirety.

§ 73.540 [Amended]

13. Section 73.540 is revised by removing paragraph (c)(3) in its entirety.

§ 73.542 [Amended]

14. Section 73.542 is revised by removing paragraph (j) in its entirety.

§ 73.553 [Removed]

15. Section 73.553 is removed in its entirety.

16. Section 73.574 is amended by revising paragraph (b) to read as follows:

§ 73.574 Remote control authorizations.

* * * * *

(b) Noncommercial educational FM stations may transmit a subcarrier for remote control telemetry, in accordance with the provisions of § 73.319, without specific authority from the FCC.

§ 73.575 [Amended]

17. Section 73.575 is amended by removing paragraph (a)(8) in its entirety.

§ 73.676 [Amended]

18. Section 73.676 is revised by removing the text of paragraph (a)(7) in its entirety and marking it "[Reserved]".

§ 73.687 [Amended]

19. Section 73.687 is revised by removing paragraph (e)(5) in its entirety.

20. Section 73.691 is revised in its entirety to read as follows:

§ 73.691 Visual modulation monitoring equipment.

Each TV station must have measuring equipment for determining that the transmitted visual signal conforms to the provisions of this Subpart. The licensee shall decide the monitoring and measurement methods or procedures for indicating and controlling the visual signal.

§ 73.694 [Removed]

21. Section 73.694 is removed in its entirety.

22. Section 73.1550 is amended by removing the text of paragraph (b)(1)(iii) and marking it "[Reserved]", by removing paragraphs (b)(2)(iii) and

(b)(3)(ii) in their entirety, by removing the text of paragraph (b)(4)(iii) and marking it "[Reserved]", and by revising paragraph (d)(1) to read as follows:

§ 73.1550 Extension meters.

* * * * *

(b) * * *

(1) * * *

* * * * *

(iii) [Reserved]

* * * * *

(4) * * *

* * * * *

(iii) [Reserved]

* * * * *

(d) * * *

(1) *All stations.* If the malfunction affects the meters for indication the DC input power to the last radio stage of the transmitter power amplifier, the indications must be read at the transmitter and entered in the operating log at the same intervals.

* * * * *

§ 73.1668 [Removed]

23. Section 73.1668 is removed in its entirety.

§ 73.1670 [Amended]

24. Section 73.1670 is revised by removing the text of paragraph (c)(4) and marking it "[Reserved]".

§ 73.1830 [Amended]

25. Section 73.1830 is amended by removing the text of paragraph (a)(1)(iii)(A) and marking it "[Reserved]".

26. The following listings are removed in their entirety from the Alphabetical Index to Part 73 of the Commission's Rules:

- Aural Modulation monitors, Requirements for type approval
- Modulation monitors (requirements for)
- Modulation monitors, Requirements for type approval of
- Monitors, Modulation, (requirements for)
- Monitors, modulation, Requirements for type approval of
- Requirements for type approval of modulation monitors

27. The following listings are added in sequence to the Alphabetical Index to Part 73 of the Commission's Rules:

Modulation monitoring equipment, Visual.....	73.691
Monitoring equipment, Visual modulation.....	73.691
Visual modulation monitoring equipment.....	73.691

[FR Doc. 83-21863 Filed 8-10-83; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register

Vol. 48, No. 156

Thursday, August 11, 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 1030

[Docket No. AO-361-A20]

Milk in the Chicago Regional Marketing Area; Partial Decision on Proposed Amendments to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This partial decision adopts on an expedited basis a change in the Director's discretionary authority provision of the Chicago Regional Federal milk order. Such authority to temporarily adjust supply plant shipping standards would be increased by 5 percentage points to a maximum adjustment of 15 percentage points. The change is based on industry proposals considered at a public hearing held May 24-26, 1983, in Madison, Wisconsin. The change is necessary to reflect current marketing conditions and to insure orderly marketing conditions in the regulated area. Marketing conditions are such that prompt amendatory action is required. For this reason, a recommended decision and the opportunity to file exceptions thereto have been omitted. A separate recommended decision will deal with the remaining issues in this proceeding.

Cooperative associations will be polled to determine whether producers favor the issuance of the proposed amended order.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, 202/447-4829.

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.

Prior document in this proceeding: Notice of Hearing; Issued April 25, 1983; published April 29, 1983 (48 FR 19380).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Chicago Regional 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 Madison, Wisconsin, on May 24-26, 1983. Notice of such hearing was issued on April 25, 1983 (48 FR 19380).

Interested parties were given until July 11, 1983, to file post-hearing briefs on the hearing proposals and on whether any of the proposals should be considered on an expedited basis.

The hearing notice specifically invited interested persons to present evidence concerning the probable regulatory and informational impact of the proposals on small businesses.

Further, William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action, which is based on a hearing record, would not have a significant economic impact on a substantial number of small entities. The action will provide a means to temporarily lessen the regulatory impact of the order on certain milk handlers which would promote orderly marketing of milk by producers and regulated handlers.

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

1. Pool reserve supply plant provisions.
2. Performance standards for supply plants.
3. Producer delivery requirements.
4. Modification of the Director's discretionary authority provision.
5. Need for emergency action on one or more of the above issues.

This decision deals only with issues 4 and 5. The remaining issues of the hearing will be considered in a later decision on this record.

Findings and conclusions

The following findings and conclusions on the material issues are

based on evidence presented at the hearing and the record thereof:

4. *Director's discretionary provision.* The Director's discretionary provision should be revised to authorize the Director of the Dairy Division to change the shipping requirements for pool supply plants and/or diversion allowances by up to 15 percentage points, on a temporary basis, during each of the months of September through March.

Presently, the order provides that the Director of the Dairy Division may increase or decrease, on a temporary basis, the supply plant shipping percentage by up to 10 percentage points for any of the months of September through March if, after investigation, it is found that such revision is necessary to obtain needed shipments or to prevent uneconomic shipments of milk to distributing plants. Similarly, the Director has the authority to make temporary adjustments in the order's diversion allowances. Such allowances represent the amount of milk from producers that may be delivered directly from farms to nonpool plants and still be pooled and priced under the order. Milk that is diverted from pool plants normally is disposed of in surplus uses. This provision (§ 1030.7(b)(5)) is referred to herein as the Director's discretionary authority.

The 5 percentage point increase in the Director's discretionary authority was proposed by Dean Foods Company; Borden, Inc., and Hawthorn-Mellody, Inc. (Dean *et al.*) A spokesman representing Dean *et al.*, and four other proprietary handlers testified that his statement represented the views and concerns of handlers who have a substantial proportion of the fluid milk sales in the market. Witnesses for Kraft, Inc.; Beatrice Foods Company-Beloit; Kent Cheese Company; and a trade association of cheese plant operators supported the increase in the Director's discretionary authority. Lakeshore Federated Dairy Cooperative (Lakeshore), a federation of three dairy cooperatives, the National Farmers Organization (NFO) and the Farmers Union Milk Marketing Cooperative (FU), two other dairy cooperatives, also supported the proposal. The Central Milk Sales Agency (CMSA), a group of six dairy cooperatives who represent a majority of the producers supplying milk

to the Chicago Regional market, did not oppose the proposal.

The Dean *et al.*, spokesman testified that the Director's discretionary authority needed greater flexibility due to the substantial increase in milk production pooled under the order in recent years. The witness said that the marketing of milk under the Chicago Regional order historically has been accomplished through a supply plant system. He said that the fluid milk handlers have been assured a sufficient supply of milk by the minimum shipping percentages for supply plants and by the use of the Director's discretionary authority. He indicated that the authority had been used to modify, as needed, the minimum shipping percentages in response to differing marketing conditions and the milk industry had been satisfied with the adjusted shipping percentages. Additionally, he said the order's shipping percentages had helped to identify the supply plants which had been the regular and dependable suppliers of milk for the market. It was his position that the current supply plant system and its associated shipping requirements were promoting orderly marketing conditions and should be maintained.

The spokesman for Dean *et al.*, acknowledged that due to the anticipated large supply of milk on the market, some pool supply plants would have difficulty in meeting the order's minimum shipping requirements during the September 1983 through March 1984 qualification period without making uneconomic shipments of milk. He indicated that the shipping percentage would need to be reduced during certain months in this period by more than the present ten percentage point change contained in the Director's discretionary authority. Thus, he proposed an increase in the Director's discretionary authority to 15 percentage points. He said such an amendment would maintain the shipping percentages for supply plants in the order and also give the Director greater flexibility in reducing uneconomic movements of milk.

In a post-hearing brief, the spokesman for Dean *et al.*, stated that the increase in the amount of the Director's discretionary authority should be adopted on an emergency basis. He said that this procedure would provide a possible solution to the immediate problem by September 1, 1983, pending a decision on the other issues considered at the hearing.

Kraft, Inc., supported the proposed increase in the amount of the Director's discretionary authority. The spokesman said that the discretionary authority had

been a beneficial tool for the orderly marketing of milk and that it had worked well. He said the additional flexibility was needed so that the performance requirements for pool supply plants would remain in the order and could be adjusted by up to 15 percentage points by the Director without going through a lengthy hearing process.

Witnesses for the Beatrice Foods Company and trade association of cheese plant operators supported the proposed increase in the Director's discretionary authority. However, the Beatrice brief stated opposition to any action on an emergency basis.

A witness for Kent Cheese Company testified that increasing the amount of the Director's discretionary authority would not create any problems. He said that the proposed amendment would have a minor impact on his business and that he would not have any problem with the implementation of this proposed amendment in an expedited manner.

In his post-hearing brief, the representative of Berner Cheese Company stated that the adoption of the increase in the Director's discretionary authority was a good compromise to alleviate the problems associated with the supply plant performance requirements. He said that this proposed change would not have a major impact on his small business.

A representative of a trade association representing 150 cheese and butter manufacturers and wholesalers filed a brief in support of the adoption of the increase in the Director's discretionary authority. He said that increasing the amount of the Director's discretion to adjust the minimum shipping standard for supply plants was a good solution to the order's problems and should be adopted in an emergency decision.

The spokesman for Lakeshore Federated Dairy Cooperative said the proposed increase in the Director's discretionary authority should be adopted. The witness said that several supply plants would have difficulty in meeting the pooling requirements during the next qualification period without making uneconomic movements of milk. He pointed out that several distributing plants had gone out of business in the Chicago Regional marketing area in 1982 and 1983. Further, he indicated that other distributing plants had increased the amount of direct-delivered milk at their plants. Both of these actions, the witness explained, would require fewer shipments from supply plants. The witness said that the proposed increase in the amount of the Director's

discretionary authority was needed to reduce uneconomic shipments of milk.

The National Farmers Organization supported the proposed increase in the Director's discretionary authority. The NFO witness said that the proposal would insure fluid milk handlers with an adequate supply of milk and still give the flexibility to prevent the uneconomic shipments of milk strictly for qualification purposes. He said the extra 5 percentage points would provide the Director of the Dairy Division the safety valve necessary to deal with the uncertainties of the market's prospective large supply of milk.

The Farmers Union Milk Marketing Cooperative supported the adoption of the increase in the Director's discretionary authority. The FU witness said that the increase in the authority was needed to reduce uneconomic shipments of milk.

The Central Milk Sales Agency did not support or oppose the proposed increase in the amount of the Director's discretionary authority. CMSA proposed the elimination of the performance standards for supply plants which would also eliminate the Director's discretionary authority. Nevertheless, the spokesman for CMSA stated that the use of the Director's discretionary authority had proved beneficial for the market since its adoption. He indicated that the discretionary authority had been used to increase as well as to decrease the minimum shipping percentage standards applicable to supply plants. The CMSA spokesman conceded that the use of the Director's discretionary authority would be needed during the fall months to qualify supply plants associated with CMSA if other action to reduce milk shipping requirements had not been taken. He indicated that a reduction of more than 10 percentage points in shipping requirements for supply plants would be needed for certain months during the next qualification period unless CMSA continued what it considered uneconomic movements of milk. The spokesman said that CMSA had transferred milk to maintain the qualification of the milk under the order. However, CMSA held that pooling milk by this method required inefficient and uneconomic movements of milk.

The witness said that CMSA wanted the earliest possible notice of the method of pooling producer milk that would be used under the order beginning in September 1983. Consequently, CMSA requested that if the Secretary determined that insufficient time existed to complete the required rulemaking procedure and have

an amended order effective by September 1, 1983, that the recommended decision be omitted. By this procedure, the CMSA spokesman said, all interested parties would have appropriate notice of how producer milk would be pooled under the order this fall.

One proprietary handler opposed any reduction in the supply plant shipping requirements and, by inference, any increase in the amount of the Director's discretionary authority. The handler's witness said that the present shipping requirements are an incentive for sales of milk to his company. He felt that he would have less milk available for his business if supply plant shipping requirements were reduced.

The central issue at the hearing concerned the method by which producer milk would be identified and pooled under the Chicago Regional Federal milk order. The Central Milk Sales Agency proposed the elimination of the performance standards for supply plants and the adoption of a pool reserve supply plant provision and specific producer delivery requirements. As an alternative to these proposals, Dean Foods Company; Borden, Inc.; and Hawthorn-Melldoy, Inc., proposed lowering the performance standards for supply plants and increasing the amount of the Director's discretionary authority to 15 percentage points. All of the issues except the modification of the Director's discretionary authority will be considered in a later decision on this record.

Total producer milk pooled on the Chicago Regional market has increased each month over the same month of the previous year since May 1979. The percent of total producer milk receipts classified as Class I for the years 1980, and 1981 and 1982 was 26 percent, 24 percent and 23 percent, respectively. The market data establish that total producer milk receipts have grown each of the past three years while the Class I utilization of producer milk has shown a steady decline during this period.

Changes in the market's supply situation resulted in an adjustment in the pooling standards for supply plants on September 1, 1982. On the basis of a hearing in March 1982, the supply plant shipping requirements were established to be not less than 25 percent for September, 30 percent for each of the months of October and November, and 20 percent for all other months. Subsequently, the supply plant shipping requirements were decreased by use of the Director's discretionary authority by 5 percentage points in September 1982, 8 percentage points in each of the months

of October and November 1982 and 2 percentage points in March 1983.

The hearing record establishes that several distributing plants stopped bottling milk in 1982 and 1983. Some of the fluid milk sales previously made by these plants shifted to a handler regulated under another Federal milk order. Other sales shifted to a handler regulated by the Chicago Regional order, but who receives most of his milk receipts as direct-shipped producer milk. In these cases, the requirements for tanker sales from supply plants actually decreased as a result of the closing of the distributing plants. Consequently, more flexibility in the Director's discretionary authority is warranted to respond to these changed marketing conditions.

Shipping standards for supply plants have been used in the Chicago Regional market to assure the availability of milk for distributing plants. Although adequate milk supplies for Class I use are pooled under the order, performance standards based on association of pooled milk supplies with fluid milk outlets in the market have been utilized to assure that milk is made available to such outlets. However, such standards for supply plants have had to be adjusted as marketing conditions have changed in the Chicago Regional area. The Director's discretionary authority has been used within its limits to reflect the changed marketing conditions.

The evidence received at the hearing indicates that marketing conditions have changed such that amendatory action is needed concerning the pooling requirements of supply plants beginning on September 1, 1983. A reduction of more than 10 percentage points in the supply plant shipping requirements is needed to prevent uneconomic movements of milk. Thus, to relieve the immediate problem, the increase in the Director's discretionary authority by 5 percentage points to 15 percentage points is an appropriate amendatory action. The record fully supports this action, which will authorize the Director of the Dairy Division to temporarily increase or decrease the supply plant performance requirements by up to 15 percentage points if he finds such revision is necessary to obtain needed shipments to distributing plants or to prevent uneconomic shipments of milk.

The adopted increase in the amount of the Director's discretionary authority would provide greater flexibility in responding to changing marketing conditions. The evidence in the hearing record does not reveal that the availability of milk for Class I use by handlers would be jeopardized if the

shipping percentages were revised for a temporary period by use of the Director's discretionary authority.

5. *Emergency Action.* The omission of a recommended decision was proposed at the hearing by the Central Milk Sales Agency. CMSA requested that all parties be given the earliest possible notice of which method of pooling producer milk would be used beginning September 1, 1983. Dean *et al.*, in its post-hearing brief also requested emergency action with respect to the increase in the amount of the Director's discretionary authority.

The testimony and data in the record of this proceeding strongly indicate the need for prompt amendatory action. The evidence shows it is desirable to have an amended order effective by September 1, 1983. The normal procedures of issuing a recommended decision and providing time to file exceptions thereto would not permit the implementation of the amendment in time for it to be effective by that date.

It is therefore found that due and timely execution of the Secretary's function in this proceeding imperatively and unavoidably requires omission of the recommended decision and the opportunity of filing exceptions thereto.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions 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 Chicago Regional 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.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a **MARKETING AGREEMENT** regulation the handling of milk, and an **ORDER** amending the order regulating the handling of milk in the Chicago Regional 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

April 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 Chicago Regional 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 1030

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on: August 4, 1983

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

Order¹ amending the order, regulating the handling of milk in the Chicago Regional marketing area

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the 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 Chicago Regional 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 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 Chicago Regional marketing area shall be in conformity to and in compliance with the terms and

¹ 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.

conditions of the order, as amended, and as hereby amended, as follows:

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

§ 1030.7 [Amended]

In paragraph (b)(5) of § 1030.7, the number "10" is changed to read "15".

[FR Doc. 83-21907 Filed 8-10-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1076

Milk in the Eastern South Dakota Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend certain provisions of the Eastern South Dakota Federal milk order. The provisions relate to how much milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. Suspension of the provisions was requested by a cooperative association representing most of the producers supplying the market to prevent uneconomic movements of milk. The proposed suspension would be for the period of August 1983 through February 1984.

DATE: Comments are due not later than August 17, 1983.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-2089.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the

required suspension procedures in time to include August 1983 in the requested suspension period if this is found necessary. The initial request for the action was received on July 28, 1983.

It also has been determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Eastern South Dakota marketing area is being considered for August 1983 through February 1984:

In § 1076.13, paragraphs (c) (2) and (3).

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of them to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 17, 1983. The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include August 1983 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would remove for August 1983 through February 1984 the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The order now provides that a cooperative association may divert up to 35 percent of its total member milk received at all pool plants or diverted therefrom during the months of August through February. Similarly, the operator of a pool plant may divert up to 35 percent of its receipts of producer milk (for which the operator of such plant is the handler during the month) during the months of August through February.

The proposed suspension was requested by Land O'Lakes, Inc., a cooperative association that supplies most of the market's fluid milk needs and handles most of the market's reserve milk supplies. The basis for the request is that milk supplies in the Eastern South Dakota milkshed in 1983 are approximately 11 percent higher

than one year ago. In addition, the cooperative stated that the market's fluid milk sales in 1983 are unchanged from 1982. Furthermore, the cooperative indicated that a large bottling operation, and outlet for substantial volumes of producer milk in this market, will close in August. Consequently, the cooperative expects its reserve milk supplies during August 1983 through February 1984 to exceed the quantity of producer milk that may be diverted to nonpool manufacturing plants under the order's present diversion limitations. In the absence of the suspension, the cooperative expects that some of the milk of its member producers who have regularly supplied the fluid market would have to be moved, uneconomically, first to pool plants and then to nonpool manufacturing plants in order to continue producer status for such milk during August 1983 through February 1984.

List of Subjects in 7 CFR Part 1076

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on: August 5, 1983.

William T. Manley,

Deputy Administrator Marketing Program Operations.

[FR Doc. 83-21908 Filed 8-10-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-66-AD]

Airworthiness Directives; Balloon Works Model FireFly 7B Hot Air Balloons

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD) applicable to The Balloon Works Model FireFly 7B Hot Air Balloons. It would require lengthening and adjustment of the envelope jumper cords. Reports have been received of jumper cord failures due to envelope distortion which may result in leakage of the envelope valve. This proposed action will preclude loss of the vent system and resulting uncontrollable descent of the balloon.

DATES: Comments must be received on or before October 16, 1983. Compliance: Required within the next 10 hours time-in-service after the effective date of this AD.

ADDRESSES: The Balloon Works Service Bulletin No. B20, dated June 29, 1983, applicable to this AD, may be obtained from The Balloon Works, Rhyne Aerodrome, RFD 2, Statesville, North Carolina 28877, or the Rules Docket at the address below.

Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 83-CE-66-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Jack Bentley, Airframe Branch, ACE-120A, Atlanta Aircraft Certification Office, 1075 Inner Loop Road, College Park, Georgia 30337; Telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-CE-66-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

There have been reports of breakage of the jumper cords on the envelope of two Balloon Works Model FireFly 7B (Twelve Gore) Hot Air Balloons which were the result of the jumper cords being too short. Breakage of the jumper cords can result in leakage of the envelope vent valve and uncontrollable descent of the balloon. The manufacturer has issued Service Bulletin

No. B20, dated June 29, 1983, which contains instructions for lengthening and adjustment of the jumper cords to prevent this occurrence.

Since the condition described is likely to exist or develop in other Balloon Works Model FireFly 7B Hot Air Balloons of the same design, the AD would require lengthening and adjustment of the jumper cords in accordance with the manufacturer's Service Bulletin No. B20, dated June 29, 1983.

There are approximately 70 balloons affected by the proposed AD. The cost of modifying these balloons in accordance with the proposed AD is estimated to be \$3,500 to the private sector.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

The Balloon Works: Applies to Model FireFly 7B (Twelve Gore) Hot Air (Serial Numbers F7B-009, F7B-011 through F7B-044 and F7B-046 through F7B-080)

Balloons certificated in any category.

Compliance: Required within the next 10 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent breakage of jumper cords, which may result in uncontrollable descent, accomplish the following:

(a) Lengthen each envelope jumper cord, shorten each centering cord, inflate envelope and examine valve fit and adjust, if necessary, in accordance with The Balloon Works Service Bulletin No. B20, dated June 29, 1983.

(b) An equivalent means of compliance with this AD may be used if approved by the Manager, Atlanta Aircraft Certification Office, FAA, 1075 Inner Loop Road, College Park, Georgia 30337.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a) 1421 and 1423); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and Section 11.85 of the Federal Aviation Regulations (14 CFR 11.84)).

Note.—For reasons discussed earlier in the preamble: The FAA has determined that this document: (1) Involves a proposed regulation that is not major under the provisions of Executive Order 12291, (2) is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) in addition, I certify that under the criteria of the Regulatory Flexibility Act this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A draft regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Kansas City, Missouri, on August 1, 1983.

Murray E. Smith,
Director, Central Region.

[FR Doc. 83-21741 Filed 6-10-83; 8:45 am]

BILLING CODE 4910-3-M

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 410

Proposed Amendments to Comprehensive Plan and Basin Regulations—Water Code and Water Quality Standards; Hearing

AGENCY: Delaware River Basin Commission.

ACTION: Proposed rules and public hearing.

SUMMARY: Notice is hereby given that the Delaware River Basin Commission will hold a public hearing to receive comments on proposed amendments to the Commission's Comprehensive Plan and *Basin Regulations—Water Code and Water Quality Standards* relating to seasonal disinfection.

The proposed amendments are intended to 1) reduce the discharge of toxic substances and persistent chlorinated compounds (produced as by-products of chlorination), 2) conserve energy, 3) reduce the costs of waste treatment, and 4) protect recreational use, sources of drinking water, and bacterial quality near shellfishing waters.

DATES: The public hearing will be held on September 12, 1983 from 10:00 to Noon and will resume at 1:30 p.m.

Written testimony submitted to the Secretary by October 12, 1983 will be included in the hearing record.

ADDRESS: The September 12, 1983 hearing will be held in the Hancock Room of the Holiday Inn, 4th and Arch Streets, Philadelphia, Pennsylvania.

Written comments should be submitted to Susan M. Weisman, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628.

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission, Telephone (609) 883-9500.

SUPPLEMENTARY INFORMATION: Background material relating to these proposed amendments may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to notify the Secretary in advance.

The subjects of the hearing will be as follows:

Amendments to the Comprehensive Plan Relating to Seasonal Disinfection.

The Commission's *Basin Regulations—Water Code and Water Quality Standards* contain the Comprehensive Plan's water quality standards. These standards currently require year-round disinfection of waste discharges containing human excreta or disease-producing organisms (except for stormwater bypass). The Commission is now considering a proposal to amend its Comprehensive Plan and *Basin Regulations—Water Code and Water Quality Standards* to allow disinfection to be practiced on a seasonal basis. The principal features of the proposal are that:

- disinfection would be required where necessary to meet water quality standards;
- current fecal coliform criteria in stream standards for Zones 5 and 6 of the Delaware River would continue to be in effect year-round, requiring year-round disinfection of waste discharges to these zones to maintain the bacterial quality of water near shellfishing areas;
- current fecal coliform criteria in stream standards for all other zones of the Delaware River and for interstate tributaries would remain in effect from May through September, when disinfection of waste discharges to these zones would generally be required;
- during the remainder of the year, fecal coliform criteria in stream standards would be at levels generally not requiring wastewater disinfection.

List of subjects in 18 CFR Part 410

Water pollution control.

The following amendments are proposed. New material is preceded by this symbol ▶ and followed by this symbol ◀. Existing material to be deleted is enclosed in brackets [].

Specifically, it is proposed to:

1. Amend subsection 1.20.6F of *Basin Regulations—Water Code and Water Quality Standards* to read:
F. "Recreation ▶—primary contact ◀" includes all water-contact sports.
2. Amend subsection 3.10.4B of the Comprehensive Plan and *Basin Regulations—Water Code and Water Quality Standards* to read:
B. *Disinfection.* Wastes (exclusive of stormwater bypass) containing human excreta or disease producing organisms shall be effectively disinfected before being discharged into surface bodies of water [].
▶ where necessary to meet applicable

Commission or State water quality standards. ◀

3. Amend subsections 3.20.2B.3.a., 3.20.3B.3.a., 3.20.4B.3.a., 3.20.5B.3.a., 3.20.6B.3.a., 3.20.7B.3.a., 3.20.8B.3.a., 3.20.9B.3.a., 3.20.10B.3.a., 3.20.11B.3.a., 3.20.12B.3.a., 3.20.13B.3.a., 3.20.14B.3.a., 3.20.15B.3.a., 3.20.16B.3.a., 3.20.17B.3.a., 3.20.18B.3.a., and 3.20.19B.3.a. of the Comprehensive Plan and *Basin Regulations—Water Quality Standards* to read:

3. a. recreation [.] ▶-primary contact. ◀

4. Amend subsections 3.20.2C.8. and 3.20.3C.8. of the Comprehensive Plan and *Basin Regulations—Water Code and Water Quality Standards* to read:

8. *Fecal coliform*.
▶ a. From May 15 to September 30 not to exceed ▶ a geometric average of ◀ 200 per 100 milliliters ▶; ◀ [as a geometric average; samples shall be taken at such frequency and location as to permit valid interpretation.]

▶ b. From October 1 to May 14 not to exceed a geometric average of 2000 per 100 milliliters; ◀

▶ c. Samples shall be taken at such frequency and location as to permit valid interpretation. ◀

5. Amend subsections 3.20.4C.8., 3.20.5C.8., 3.20.6C.8., 3.20.11C.8., 3.20.12C.8., 3.20.13C.8., 3.20.14C.8., 3.20.15C.8., 3.20.16C.8., 3.20.17C.8., 3.20.18C.8., and 3.20.19C.8. of the Comprehensive Plan and *Basin Regulations—Water Code and Water Quality Standards* to read:

8. *Fecal coliform*.
▶ a. From May 15 to September 30 not to exceed ▶ a geometric average of ◀ 200 per 100 milliliters ▶; ◀ [as a geometric average; samples shall be taken at such frequency and location as to permit valid interpretation.]

▶ b. From October 1 to May 14 not to exceed a geometric average of 2,000 per 100 milliliters; ◀

▶ c. Samples shall be taken at such frequency and location as to permit valid interpretation. ◀

6. Amend subsections 3.20.7C.8., 3.20.8C.8., 3.20.9C.8., and 3.20.10C.8. of the Comprehensive Plan and *Basin Regulations—Water Code and Water Quality Standards* to read:

8. *Fecal coliform*.
▶ a. From May 1 to September 30 where disinfection is required, not to exceed ▶ a geometric average of ◀ 200 per 100 milliliters ▶; ◀ [as a geometric average samples shall be taken at such frequency and location as to permit valid interpretation.]

▶ b. From October 1 to April 30 not to exceed a geometric average of 2000 per 100 milliliters; ◀

▶ c. Samples shall be taken at such frequency and location as to permit valid interpretation. ◀

7. Amend subsection 3.30.2B.3.a. of the Comprehensive Plan and *Basin Regulations—Water Code and Water Quality Standards* to read:

3. a. recreation ▶-primary contact ◀ from R.M. 133.4 to R.M. 117.81.

8. Amend subsection 3.30.2C.8. of the Comprehensive Plan and *Basin Regulations—Water Code and Water Quality Standards* to read:

8. *Fecal coliform*.

▶ a. From May 1 to September 30 not to exceed a ◀ [Maximum] geometric average ▶ of ◀

[a.] ▶ 1. ◀ 200 per 100 milliliters above R.M. 117.81.

[b.] ▶ 2. ◀ 770 per 100 milliliters below R.M. 117.81.

▶ b. From October 1 to April 30 not to exceed a geometric average of 2000 per 100 milliliters. ◀

▶ c. ◀ Samples shall be taken at such frequency and location as to permit valid interpretation.

9. Amend subsections 3.30.3C.8. and 3.30.4C.8. of the Comprehensive Plan and *Basin Regulations—Water Code and Water Quality Standards* to read:

8. *Fecal coliform*.
▶ a. From May 1 to September 30 not to exceed a ◀ [Maximum] geometric average ▶ of ◀ 770 per 100 milliliters.

[Samples shall be taken at such frequency and location as to permit valid interpretation.]

▶ b. From October 1 to April 30 not to exceed a geometric average of 2000 per 100 milliliters. ◀

▶ c. Samples shall be taken at such frequency and location as to permit valid interpretation. ◀

10. Amend subsection 3.30.5B.3.b. of the Comprehensive Plan and *Basin Regulations—Water Code and Water Quality Standards* to read:

b. recreation ▶-primary contact ◀ from R.M. 59.5 to R.M. 48.2;

11. Amend subsection 3.30.5C.8. of the Comprehensive Plan and *Basin Regulations—Water Code and Water Quality Standards* to read:

8. *Fecal coliform*.

▶ a. Not to exceed a ◀ [Maximum] geometric average ▶ of ◀

[a.] ▶ 1. ◀ 770 per 100 milliliters from R.M. 78.8 to R.M. 59.5.

[b.] ▶ 2. ◀ 200 per 100 milliliters from R.M. 59.5 to R.M. 48.2.

▶ b. ◀ Samples shall be taken at such frequency and location as to permit valid interpretation.

12. Amend subsection 3.30.6B.3.a. of the Comprehensive Plan and *Basin Regulations—Water Code and Water Quality Standards* to read:

3. a. recreation [.] ▶-primary contact; ◀

13. Amend subsection 3.30.6C.8. of the Comprehensive Plan and *Basin Regulations—Water Code and Water Quality Standards* to read:

8. *Fecal coliform*.

▶ a. Not to exceed a ◀ [Maximum] geometric average ▶ of ◀ 200 per 100 milliliters.

▶ b. ◀ Samples shall be taken at such frequency and location as to permit valid interpretation.

14. Amend subsection 3.30.6C.9. of the Comprehensive Plan and *Basin Regulations—Water Code and Water Quality Standards* to read:

9. *Coliform*. MPN (most probable number) not to exceed [U.S. Public Health Service's] ▶ federal ◀ shellfish standards in designated shellfish areas.

15. Amend subsection 4.30.4 of *Basin Regulations—Water Code and Water Quality Standards* as follows:

a. Amend subsection A.1. to read:

1. 200 per 100 milliliters as a geometric average [.] ▶ based on a minimum of five consecutive samples, each collected on different days. ◀

b. Remove subsection B.

c. Redesignate subsection C. as subsection B. and amend it to read:

▶ B. ◀ [C.] *Other [methods, other] tests*. Other [methods of achieving effective disinfection and other] tests which satisfactorily demonstrate that effective disinfection has been achieved may be approved [by the Commission].

16. Amend subsection 4.30.9B.1. of *Basin Regulations—Water Code and Water Quality Standards* to read:

1. Waste treatment operations ▶, except disinfection, ◀ shall not be curtailed at any time of the year.

Delaware River Basin Compact, 75 Stat. 688.

Susan M. Weisman,
Secretary.

August 5, 1983.

[FR Doc. 83-21892 Filed 8-10-83; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 652

[FHWA Docket No. 83-17]

Pedestrian and Bicycle Facilities

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA proposes to amend its regulation on bikeways and

pedestrian facilities to incorporate statutory changes mandated by section 126 of the Surface Transportation Assistance Act of 1982 and to make other revisions in order to promote clarity and delete unnecessary language.

DATE: Comments must be received by October 11, 1983.

ADDRESS: Comments must be sent (preferably in triplicate) to FHWA Docket No. 83-17, Federal Highway Administration, FCC-10, Room 4205, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m., ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: John C. Wasley, Highway Design Division, Office of Engineering (202-426-0306), or Reid Alsop, Office of the Chief Counsel (202-426-0800), Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 126 of the Surface Transportation Act of 1982 (Pub. L. 97-424, 96 Stat. 2116) amended 23 U.S.C. 217, which concerns bicycle transportation and pedestrian walkways. The changes made by section 126 are: (1) That bicycle and pedestrian walkway projects developed pursuant to section 217 are to be 100% Federally funded; (2) that no bicycle project can be authorized under section 217 unless it is principally for transportation rather than recreation purposes; (3) that on highways without full control of access where a bridge is being replaced or rehabilitated with Federal financial participation, and where bicycles are permitted to operate at each end, the bridge shall be replaced or rehabilitated so as to safely accommodate bicycles when they can be accommodated at a reasonable cost; (4) to authorize funding for nonconstruction projects related to safe bicycle use, (5) to eliminate the requirement that bicycle projects be "on or in conjunction with highway rights-of-way", and (6) to increase the amount that a State could expend in any fiscal year from 2.5 million to 4.5 million, without changing the overall annual ceiling of 45 million.

This proposed rule would amend the existing regulation on bikeways and pedestrian facilities, 23 CFR 652, to incorporate the above statutory changes and to make several other changes that would promote clarity and delete

unnecessary language. The significant changes are discussed below.

The title of Part 652 would be changed from "Pedestrian Facilities and Bikeways" to "Pedestrian and Bicycle Facilities". This reflects the expanded scope of the proposed regulation which would authorize funding of other bicycle projects besides the construction of bikeways.

Proposed § 652.3 would delete the definitions of independent and incidental bikeway or pedestrian projects in § 652.3 (i) and (j). The definitions of these terms would be shortened to promote greater clarity without any significant change in meaning and would appear as § 652.3 (i), (j), and (k) of the proposed rule. Portions of the current definitions would be included elsewhere in the proposed rule. A new definition of "Nonconstruction Bicycle Project" has been added as proposed § 652.3(l) to describe nonconstruction projects that are authorized for funding by section 126. The definition would include any project that does not involve physical construction and enhances the safe use of bicycles for transportation purposes. The definition of snowmobile in § 652.3(k) would be renumbered as § 652.3(m).

Section 652.5, Policy, would be revised and divided into two parts. Proposed § 652.5, Policy, and proposed section § 652.7, Eligibility. Proposed section 652.5 would include additional language to require that full consideration be given to the safe accommodation of pedestrians and bicyclists during project construction, and to incorporate the requirement of section 126 concerning the accommodation of bicycles on bridges that are replaced or rehabilitated.

Proposed § 652.7 includes general conditions that must be satisfied in order for a project to qualify for Federal financial assistance. While these are similar to the conditions now contained in § 652.5 (a) through (d), several changes are proposed. Proposed section 652.7(a) has been reworded so as to be less restrictive. It is intended that any project that would enhance the safe travel of any one group of highway users would qualify for Federal financial assistance. A sentence has been added to proposed § 652.7(b) to specify that proposed projects must be initiated or supported by the appropriate State highway agency or Federal land management agency to insure overall planning consistency and coordination.

Proposed § 652.7(c) is essentially the same as § 652.5(c). Proposed § 652.7(d) has been reworded to be more general and less restrictive than existing

§ 652.7(d), providing only that a project's cost should be consistent with anticipated benefits.

A new section, proposed as § 652.7(e), would be added to insure that projects will be designed in substantial conformity with the latest official design criteria, identified in § 652.11 and in proposed § 652.13.

Section 652.7 would be revised and renumbered as proposed § 652.9. Proposed § 652.9(a) implements the requirement added in 23 U.S.C. 217(b)(3) that bicycle projects constructed under section 217 must be for a transportation rather than recreation purpose. This section would provide general guidance concerning compliance with this requirement. Any facility for travel from one point to another would be considered a transportation facility. Facilities beginning and ending in parking areas and contained wholly within parks or other recreational lands would be considered recreational.

Proposed § 652.9(b) is similar to existing § 652.7(b), and concerns only projects authorized pursuant to 23 U.S.C. 217. Minor changes have been proposed to reflect the statutory changes relating to the eligibility of nonconstruction projects for Federal financial assistance, the 100% Federal funding provision, and the increased statutory ceilings on total annual expenditures per State.

Proposed § 652.9(c) contains specific eligibility requirements and guidance for projects authorized by 23 U.S.C. 217 and discussed in proposed § 652.9(b). Section 652.9(c)(1) concerns the relationship that is required between independent walkway projects and an existing or proposed Federal-aid highway. Proposed § 652.9(c)(2) contains guidance concerning what activities may be included as independent bicycle projects. Proposed § 652.9(c)(3) provides that nonconstruction bicycle projects must be related to the safe use of bicycles for transportation and provides some examples for guidance.

Proposed § 652.9(d) is similar to existing § 652.7(a) and concerns Federal participation in incidental pedestrian and bicycle projects. These are incidental features of normal highway construction projects that are not authorized or funded pursuant to 23 U.S.C. 217, and which are not therefore subject to the funding limitations contained in 23 U.S.C. 217. It is proposed that a provision be added that limits the availability of Federal financial assistance for such incidental features in connection with the construction of Interstate highway projects. This reflects the amendment made by Section 4 of the Federal-Aid Highway Act of

1981 (Pub L. 97-134, 95 Stat. 1700) which limited the purposes for which Federal-aid Interstate funds could be used. This proposed section would also note that funds provided for resurfacing, restoring, rehabilitating and reconstructing the Interstate system pursuant to 23 U.S.C. 104(b)(5)(B) (Interstate 4R funds) could be used for these incidental features on Interstate projects.

Proposed § 652.9(e) is a new section that governs the use of funds provided for certain direct Federal highway projects, for independent bicycle routes and independent walkway projects, in accordance with 23 U.S.C. 217 (e) and (f). It would also provide for greater FHWA coordination to insure that the annual statutory ceiling is not exceeded.

Existing § 652.7(c) and (d) are no longer considered necessary and are proposed to be deleted. Section 652.7(c) discusses the Federal share payable. The Federal share was increased to 100% by section 126 and is discussed in § 652.9(b) of the proposed rule. Section 652.7(d) merely provides information about related regulations and is not included in the proposed rule.

Section 652.9, Planning, would be slightly changed and renumbered as § 652.11 in the proposed rule. Proposed § 652.11(a) contains minor editorial changes and an additional requirement that planning for pedestrian facilities include consideration of the needs of the elderly and handicapped. Proposed § 652.11(b) also contains editorial changes and deletes the last sentence which encourages consultation with organized groups of bicyclists in planning bicycle facilities. This sentence is no longer considered necessary since normal FHWA project development procedures provide adequate opportunity for public input from all interested individuals and groups.

Section § 652.11 would be renumbered as § 652.13. Proposed § 652.13(a) provides the information concerning design and construction criteria now provided in § 652.11, with minor editorial changes. Proposed § 652.13(b) is a new provision that notes that curb cuts and other provisions as may be appropriate for the handicapped are a required part of certain pedestrian projects.

The following table indicates the correlation between the present sections and the proposed sections.

Present section	Proposed section
652.1	652.1
652.3	652.3
652.5	652.5 and 652.7
652.5(a)-(d)	652.7(a)-(d)
	652.7(e) [Added]
652.7	652.9

Present section	Proposed section
652.9	652.11
652.11	652.13

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or a significant regulation under DOT regulatory policies and procedures. The FHWA has also determined that the changes will not have a significant economic impact upon the affected States or the public. Accordingly, a full regulatory evaluation is not required. For the foregoing reasons and under the criteria of the Regulatory Flexibility Act, it is hereby certified that this action will not have a significant impact on a substantial number of small entities. The total amount of Federal funds available annually for pedestrian and bicycle facilities will remain unchanged.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction.)

The regulations implementing Executive Order 12372 and former OMB Circular A-95 regarding intergovernmental consultation on Federal programs and activities apply to this program.

List of Subjects in 23 CFR Part 652

Bicycles, Grant programs—
transportation, Highways and roads.

Issued on: July 29, 1983.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

In consideration of the foregoing, the FHWA proposes to amend Chapter I of title 23 Code of Federal Regulations, by revising Part 652 to read as follows:

PART 652—PEDESTRIAN AND BICYCLE FACILITIES

Sec.

- 652.1 Purpose.
- 652.3 Definitions.
- 652.5 Policy.
- 652.7 Eligibility.
- 652.9 Federal participation.
- 652.11 Planning.
- 652.13 Design and construction criteria.

Authority: 23 U.S.C. 217, 315, 402(b)(1)(F), 109, and 49 CFR 1.46(b).

§ 652.1 Purpose.

To provide policies and procedures relating to the provision of adequate pedestrian accommodations and bicycle facilities on Federal-aid projects, and Federal participation in the cost of these facilities.

§ 652.3 Definitions.

(a) *Bicycle*. A vehicle having two tandem wheels, propelled solely by

human power, upon which any person or persons may ride.

(b) *Bikeway*. Any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

(c) *Bicycle Path (Bike Path)*. A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way.

(d) *Bicycle Lane (Bike Lane)*. A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

(e) *Bicycle Route (Bike Route)*. A segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number.

(f) *Shared Roadway*. Any roadway upon which a bicycle lane is not designated and which may be legally used by bicycles regardless of whether such facility is specifically designated as a bikeway.

(g) *Pedestrian Walkway or Walkway*. A continuous way designated for pedestrians and separated from the through lanes for motor vehicles by space or barrier.

(h) *Highway Construction Project*. A project financed in whole or in part with Federal-aid or Federal funds for the construction, reconstruction or improvement of a highway or portion thereof, including bridges and tunnels.

(i) *Independent Bicycle Construction Project (Independent Bicycle Project)*. One constructed independently and primarily for use by bicyclists and not as an incidental feature of a highway construction project.

(j) *Independent Pedestrian Walkway Construction Project (Independent Walkway Project)*. One constructed independently and solely as a pedestrian walkway project and not as an incidental feature of a highway construction project.

(k) *Incidental Bicycle or Pedestrian Walkway Construction Project (Incidental Feature)*. One constructed as an incidental part of a highway construction project.

(l) *Nonconstruction Bicycle Project*. A bicycle project not involving physical construction which enhances the safe use of bicycles for transportation purposes.

(m) *Snowmobile*. A motorized vehicle solely designed to operate on snow or ice.

§ 652.5 Policy.

Full consideration is to be given to safely accommodate pedestrians and bicyclists on Federal-aid highway projects, and during the construction of such projects. Where current or anticipated pedestrian and/or bicycle traffic presents a potential conflict with motor vehicle traffic, every effort shall be made to minimize the detrimental effects on all highway users who share the facility. On highways without full control of access where a bridge is being replaced or rehabilitated, and where bicycles are permitted to operate at each end, the bridge shall be reconstructed so that bicycles can be safely accommodated when it can be done at a reasonable cost.

§ 652.7 Eligibility.

The construction of pedestrian and bicycle facilities may be authorized for Federal-aid participation as either incidental features of larger highway construction projects or as independent projects where all of the following conditions are satisfied:

(a) The safety of the motorist, bicyclist, and/or pedestrian will be enhanced by the project.

(b) The project is initiated or supported by the appropriate State highway agency(ies) and/or the Federal land management agency. Facilities are to be located and designed pursuant to an overall plan, which provides due consideration for safety and contiguous routes.

(c) A public agency has formally agreed to:

(1) Accept the responsibility for the operation and maintenance of the facility, and

(2) Ban all motorized vehicles other than maintenance vehicles. Snowmobiles may be allowed where permitted by State or local regulations.

(d) The estimated cost of the project should be consistent with the anticipated benefits to the community.

(e) The project will be designed in substantial conformity with the latest official design criteria.

§ 652.9 Federal participation.

(a) Independent bicycle projects, incidental bicycle projects, and nonconstruction bicycle projects must be for transportation rather than recreational use and must meet the project conditions for authorization where applicable. Any use which is for travel from one point to another, even though the end point is a recreational

activity, is considered a transportation use. Bicycle facilities such as loops or paths beginning and ending at parking areas and contained wholly within parks or other recreational lands are typically for recreation and have no transportation (i.e., origin or destination) component.

(b) Independent walkway projects, independent bicycle projects and nonconstruction bicycle projects shall be financed with 100 percent Federal-aid primary, secondary or urban highway funds, provided the total amount obligated for all such projects in any one State in any fiscal year does not exceed \$4.5 million of Federal-aid funds or a lesser amount apportioned by the Federal Highway Administrator to avoid exceeding the annual \$45 million cost limitation on these projects for all States in a fiscal year. The Federal Highway Administrator may, upon application, waive this limitation for a State for any fiscal year. This limitation also applies to projects funded under § 652.9(e). This limitation does not apply to projects of the type described in § 652.9(d).

(c) Specific eligibility requirements for Federal-aid participation:

(1) An independent walkway project must be constructed on highway right-of-way or easement, or right-of-way acquired for this purpose. Independent walkway projects may be constructed separately or in conjunction with a Federal-aid highway construction project. Where an independent walkway project is located away from the Federal-aid highway right-of-way, it must serve pedestrians who would normally desire to use the Federal-aid route.

(2) An independent bicycle project may include the acquisition of land needed for the facility, or such projects may be constructed on existing highway right-of-way or easement acquired for this purpose. Independent bicycle projects may include bicycle lanes, paths, or shoulders, traffic control devices, shelters, bicycle parking facilities, and bridge work necessary to accommodate bicyclists.

(3) Nonconstruction bicycle projects must be related to the safe use of bicycles for transportation, and may include safety educational material and route maps for safe bicycle transportation purposes (such as commuting). Nonconstruction bicycle projects should not include salaries for staffing, law enforcement, maintenance and similar items required to operate transportation networks and programs.

(d) Bicycle and pedestrian facilities may be constructed as incidental features of larger highway construction projects. These incidental features may

be financed with the same type of Federal-aid funds (except Interstate construction funds) and at the Federal share payable for the basic highway project. These facilities are not subject to the funding limitations for independent walkway, independent bicycle and nonconstruction bicycle projects. In the case of the Interstate construction projects, Federal-aid Interstate construction funds may only be used to replace existing facilities that would be interrupted by construction of the project, or to mitigate specific environmental impacts. Interstate 4R funds provided by 23 U.S.C. 104(b)(5)(B) may be used only for incidental features. As incidental features, bicycle and pedestrian facilities must be constructed concurrently with the highway improvement and must be located within the right-of-way of the highway, including land acquired under 23 U.S.C. 319 (Scenic Enhancement Program).

(e) Funds authorized for Federal lands highways (forest highways, public lands highways, park roads, parkways, and Indian reservation roads and trails (i.e., roads or trails under the jurisdiction of the Forest Service), and public lands development roads and trails (i.e., roads or trails which the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under his control), may be used for independent bicycle routes and independent walkway projects only. These funds may not be used for nonconstruction bicycle projects.

The FHWA Office of Direct Federal Programs and Engineering will coordinate these projects to ensure that the annual cost limitation on these projects will not be exceeded. These projects may be limited in a fiscal year to an amount apportioned by the Federal Highway Administrator to avoid exceeding the annual cost limitation on these projects.

§ 652.11 Planning.

(a) *Pedestrians*. Pedestrian accommodations included in Federal-aid projects shall be the result of planning and design procedures which include consideration of pedestrian safety, pedestrian route continuity, the elderly, and the handicapped. These efforts should also examine the adequacy of any existing or planned pedestrian accommodations to determine improvements necessary to provide for safety pedestrian movement on all Federal-aid projects. In addition, special attention is needed for accommodating the pedestrian during the construction of

Federal-aid highway projects, in the work and detour areas.

(d) *Bicycle Facilities.* Bicycle facilities shall be planned as parts of a bicycle transportation system. Where planning is conducted under 23 U.S.C. 134(a), consideration should be given to include bicycle transportation. Funds provided by 23 U.S.C. 307(c) may be used to plan bicycle transportation systems.

§ 652.13 Design and construction criteria.

(a) The American Association of State Highway and Transportation Officials' "Guide for Development of New Bicycle Facilities, 1981" (AASHTO Guide) or equivalent guides developed in cooperation with State or local officials and acceptable to the division office of the FHWA, shall be used as standards for the construction and design of bicycle routes. Copies of the AASHTO Guide may be obtained from the American Association of State Highway and Transportation Officials, 444 North Capital Street, NW., Suite 225, Washington, D.C. 20001.

(b) Curb cuts and other provisions as may be appropriate for the handicapped are required on all Federal and Federal-aid projects involving the provisions of curbs or sidewalks at all pedestrian crosswalks.

[FR Doc. 83-21636 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-182-78]

Transfers of Securities Under Certain Agreements

Correction

In FR Doc. 83-20177 beginning on page 33912 in the issue of Tuesday, July 26, 1983, make the following corrections:

1. In the middle column on page 33913, in *Example* (1) of § 1.1058-2, paragraphs (i) through (iv) should be redesignated (1) through (4). Also, the paragraph following the redesignated paragraph (4) should be flush and not indented.

2. In the third column on page 33913, in *Example* (2) of § 1.1058-2, the paragraph following paragraph (2) should be flush and not indented.

3. In the first column on page 33914, the section heading number now reading "§ 1.1223-2" should read "§ 1.1223-2".

4. In the first and second columns on page 33914, in § 1.1223-2(b) (1) and (2), the citation reading "§ 1.1058(b)" should read "§ 1.1058-1(b)".

5. In the first column on page 33914, in § 1.1223-2(b), the second line from the bottom of the page should have a comma between the word "borrower" and the word "and".

BILLING CODE 1505-01-M

26 CFR Parts 1 and 31

[LR-208-81]

Income From Sources Without the United States; Citizens or Residents of the United States Living Abroad

Correction

In FR Doc. 83-19596 beginning on page 33007 in the issue of Wednesday, July 20, 1983, make the following corrections:

1. On page 33009, in the middle column, the paragraph following § 1.119-1 (d)(2)(ii)(B) should be flush and not indented.

2. In the third column on page 33009, in § 1.911-1(a), the second paragraph should run into the first paragraph, forming only one paragraph.

3. In the third column on page 33010, in § 1.911-1(b), the second paragraph should run into the first paragraph, forming only one paragraph.

4. In the middle column on page 33010, the undesignated paragraph following § 1.911-2(c)(2) should be flush and not indented.

5. In the middle column on page 33011, in § 1.911-3(a), the next to last word in the paragraph now reading "of" should read "or".

6. In the third column on page 33013, in paragraph (3) of the *Example* in § 1.911-3 (f), the comma following the date "January 1, 1985" in the ninth line should be a period.

7. In the same *Example*, the fourth line from the bottom of the third column on page 33013, the parenthetical expression now reading "(((\$15,000/34 × 10))" should read "(((\$15,000/34) × 10))".

8. In the middle column on page 33015, in 31.911-4(f), *Example* (3), the word "earned" should be inserted between the words "foreign" and "income" in the thirteenth line.

9. In the first column on page 33016, in § 1.911-4(f), *Example* (7), the word "amount" in the fifteenth line from the top should read "amount".

10. In the middle column on page 33016, in § 1.911-5(a)(2), the word "an" in the third line from the end of the paragraph should read "and".

11. In the middle column on page 33017, the paragraph at the bottom of the column following the formula in § 1.911-6(b)(3) should be flush and not indented.

12. In the third column on page 33018, the paragraph following § 1.911-7(a)(10) should be flush and not indented.

13. In the third column on page 33019, the form number in the last lines of § 31.3401(a)(8)(A)-1 (a)(2)(i) and (a)(3), now reading "10-673" should read "ID-673".

14. In the first column on page 33020, the form number in the eighth line from the end of § 31.3401(a)(8)(A)-1 (a)(4), reading "10-673" should read "IO-673".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 09-83-15]

Regatta; Northport 100/200.

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to adopt Special Local Regulations for the Northport 100/200. This event will be held on 3 September 1983 on Grand Traverse Bay, Lake Michigan. The regulations are needed to provide for the safety of life on navigable waters during the event.

DATE: Comments must be received on or before September 26, 1983.

ADDRESSES: Comments should be mailed to Commander (osr), Ninth Coast Guard District, 1240 E. Ninth St., Cleveland, Ohio 44199. The comments will be available for inspection and copying at 1240 E. Ninth St., Room 2083F, Cleveland, Ohio. Normal office hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

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

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 098315) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

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

Discussion of Proposed Regulation: The Northport 100/200 will be conducted on Grand Traverse Bay on 3 September 1983. This event will have an estimated 50-60 high performance ocean racers which could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with the prior approval of the Patrol Commander (Commanding Officer, U.S. Coast Guard Cutter Biscayne Bay).

Economic Assessment and Certification: This proposed regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since the regulated area will be small and in effect for a limited time. Based upon this assessment it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Proposed Regulation: In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations, by adding § 100.35-0915 to read as follows:

§ 100.35-0915 Grand Traverse Bay, West Arm, Lake Michigan.

(a) **Regulated Area:** That portion of Grand Traverse Bay south and west of line from Northport Point Lighted Bell Buoy 2 (LL 2033) to the Old Lighthouse on Mission Point.

(b) *Special Local Regulations:*

(1) The above area will be closed to vessel navigation or anchorage from 10:30 AM (local time) until 4:30 PM on 3 September 1983.

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

(3) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the Patrol Vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both. (46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and 33 CFR 100.35)

Dated: June 17, 1983.

H. H. Bell,
Coast Guard.

[FR Doc. 83-21925 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD 08-83-04]

Drawbridge Operation Regulations; Bayou Teche, Louisiana

AGENCY: Coast Guard, DOT.
ACTION: Proposed Rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development (LDOTD), St. Mary Parish (SMP) and Iberia Parish (IP), the Coast Guard is considering changing the regulations governing 22 low level drawbridges across Bayou Teche (16 owned by LDOTD, four by SMP, two by IP).

This proposal is being made because of the infrequent requests for openings of the draws during the periods specified for advance notice. This action is designed to relieve the bridge owner of the burden of having a person constantly available at the bridge to open the draw, while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before September 26, 1983.

ADDRESS: Comments should be mailed or hand delivered to the Eighth Coast

Guard District, Bridge Administration Branch, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130. Comments are available for examination at this address from 9:00 a.m. to 3:00 p.m., Monday through Friday except holidays.

FOR FURTHER INFORMATION CONTACT:

Joseph Irico, Chief, Bridge Administration Branch, at the address given above (504) 589-2965.

SUPPLEMENTARY INFORMATION:

Interested parties are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identifying the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed post card or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a final course of action on this proposal. The proposed regulation may be changed in the light of comments received.

The changes will provide for the following levels of operation. Parish owned bridges are identified by an asterisk.

(1) Require that at least four hours advance notice be given for an opening of the draw at all time, for the:

*Swing span bridge, mile 3.9, Parish Road at Calumet, St. Mary Parish.

*Swing span bridge, mile 11.8, Parish Road at Centerville, St. Mary Parish.

Swing span bridge, mile 16.3, LA 3069 at Franklin, St. Mary Parish.

Swing span bridge, mile 17.2, LA 322 at Franklin, St. Mary Parish.

Swing span bridge, mile 22.3, LA 323 at Oaklawn, St. Mary Parish.

Swing span bridge, mile 41.8, LA 671 at Jeanerette, Iberia Parish.

Swing span bridge, mile 43.5, LA 3182 at Jeanerette, Iberia Parish.

Swing span bridge, mile 48.7, LA 320 at Olivier, Iberia Parish.

Swing span bridge, mile 50.4, LA 3195 at New Iberia, Iberia Parish.

Swing span bridge, mile 52.5, LA 87 at New Iberia, Iberia Parish.

Bascule span bridge, mile 53.0, LA 86 at New Iberia, Iberia Parish.

Swing span bridge, mile 53.3, LA 3156 at New Iberia, Iberia Parish.

Swing span bridge, mile 56.7, LA 44 at Morbihan, Iberia Parish.

*Swing span bridge, mile 58.0, Parish Road 320 at New Iberia, Iberia Parish.

* Swing span bridge, mile 60.7, Parish Road at Vida, Iberia Parish.

Vertical lift bridge, mile 62.5, LA 344 at Loreauville, Iberia Parish.

Swing span bridge, mile 69.0, LA at Daspit, Iberia Parish.

These bridges, except for the last four, presently are required to open on signal from 5:00 a.m. to 9:00 p.m. and on advance notice from 9:00 p.m. to 5:00 a.m. of at least three hours from October 1 through January 31 and of at least 12 hours from February 1 through September 30. The last four presently are required to open on signal from 5:00 a.m. to 9:00 p.m. and on advance notice of at least 12 hours from 9:00 p.m. to 5:00 a.m. otherwise at all times.

(2) Require that at least four hours advance notice be given for an opening of the draw from 9:00 p.m. to 5:00 a.m. and to open on signal otherwise at all times, for the:

* Swing span bridge, mile 27.0, Parish Road near Baldwin, St. Mary Parish.

Swing span bridge, mile 32.5, LA 324 at Charenton, St. Mary Parish.

Swing span bridge, mile 37.0, LA 670 at Adeline, St. Mary Parish.

* Swing span bridge, mile 38.9, Parish Road at Sorrel, St. Mary Parish.

These bridges presently are required to open on signal from 5:00 a.m. to 9:00 p.m. and on advance notice from 9:00 p.m. to 5:00 a.m. of at least three hours from October 1 through January 31 and of at least 12 hours from February 1 through September 30.

(3) Require that at least 24 hours advance notice be given for an opening of the draw at all times, for the:

Swing span bridge, mile 73.3, LA 92 near St. Martinville, St. Martin Parish (under construction).

This advance notice is the same as for the drawbridge located at mile 75.2.

Drafting Information

The principal persons involved in drafting this proposal are: Joseph Irico, Project Manager, District Operations Division, and Steve Crawford, General Attorney, District Legal Office.

Discussion of the Proposed Regulations

Vertical clearances of the twenty-two bridges in the closed to navigation position range from two feet to eight feet. Navigation through the bridges consists in whole or in part of commercial shrimpers/fishers, barges, and pleasure craft. Data submitted by the LDOTD, St. Mary Parish and Iberia Parish for the year 1982 indicate that there is infrequent traffic through the bridges, during the proposed respective advance notice periods, as reviewed below:

(1) Bridges with proposed four hours notice at all times:

Mile 3.9, Parish Road at Calumet. In 1982, there were no openings for navigation between 8:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 8:00 p.m. the average monthly openings by the hour ranged from 0.1 to 3.3, with an average daily opening of 0.59.

Mile 11.8, Parish Road at Centerville. In 1982, there were no openings for navigation between 9:00 p.m. and 6:00 a.m. Between 6:00 a.m. and 9:00 p.m. the average monthly openings by the hour ranged from 0.1 to 0.5 with an average daily opening of 0.14.

Mile 16.3, LA 3069 at Franklin. In 1982, there were virtually no openings for navigation between 9:00 p.m. and 7:00 a.m. Between 7:00 a.m. and 9:00 p.m. the average monthly openings by the hour ranged from 0.3 to 1.3, with an average daily opening of 0.27.

Mile 17.2, LA 322, at Franklin. In 1982, there were virtually no openings for navigation between 9:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 9:00 p.m. the average monthly openings by the hour ranged from 0.4 to 2.3, with an average daily opening of 0.64.

Mile 22.3, LA 323 at Oaklawn. In 1982, there were no openings for navigation between 1:00 a.m. and 5:00 a.m. Between 5:00 a.m. and 1:00 a.m., the average monthly openings by the hour ranged from 0.1 to 2.1, with an average daily opening of 0.61.

Mile 41.8, LA 671 at Jeanerette. In 1982, there were virtually no openings for navigation between 9:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 9:00 p.m. the average monthly openings by the hour ranged from 0.7 to 3.3, with an average daily opening of 1.0.

Mile 43.5, LA 3182 at Jeanerette. In 1982, there were virtually no openings for navigation between 10:00 p.m. and 7:00 a.m. Between 7:00 a.m. and 10:00 p.m. the average monthly openings by the hour ranged from 0.3 to 2.2, with an average daily opening of 0.72.

Mile 48.7, LA 320 at Olivier. In 1982, there were no openings for navigation between 9:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 9:00 p.m. the average monthly openings by the hour ranged from 0.4 to 2.0, with an average daily opening of 0.63.

Mile 50.4, LA 3195 at New Iberia. In 1982, there were virtually no openings for navigation between 9:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 9:00 p.m. the average monthly openings by the hour ranged from 0.4 to 2.0, with an average daily opening of 0.63.

Mile 52.5, LA 87 at New Iberia. In 1982, there were virtually no openings for navigation between 9:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 9:00 p.m.

the average monthly openings by the hour ranged from 0.4 to 2.4, with an average daily opening of 0.60.

Mile 53.0, LA 86 at New Iberia. In 1982, there were virtually no openings for navigation between 9:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 9:00 p.m. the average monthly openings by the hour ranged from 0.3 to 2.2, with an average daily opening of 0.61.

Mile 53.3, LA 3156 at New Iberia. In 1982, there were virtually no openings for navigation between 9:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 9:00 p.m. the average monthly openings by the hour ranged from 0.3 to 2.3, with an average daily opening of 0.61.

Mile 56.7, LA 44 at Morbihan. In 1982, there were virtually no openings for navigation between 9:00 p.m. and 6:00 a.m. Between 6:00 a.m. and 9:00 p.m. the average monthly openings by the hour ranged from 0.2 to 1.8, with an average daily opening of 0.47.

Mile 58.0, Parish Road 320 at New Iberia. In 1982, there were virtually no openings for navigation between 9:00 p.m. and 6:00 a.m. Between 6:00 a.m. and 9:00 p.m. the average monthly openings by the hour ranged from 0.1 to 2.1, with an average daily opening of 0.52.

Mile 60.7, Parish Road at Vida. In 1982, there were virtually no openings for navigation between 9:00 p.m. and 6:00 a.m. Between 6:00 a.m. and 9:00 p.m. the average monthly openings by the hour ranged from 0.2 to 2.0, with an average daily opening of 0.46.

Mile 62.5, LA 344 at Loreauville. In 1982, there were virtually no openings for navigation between 9:00 p.m. and 6:00 a.m. Between 6:00 a.m. and 9:00 p.m. the average monthly openings by the hour ranged from 0.1 to 1.2, with an average daily opening of 0.32.

Mile 69.0, LA 86 at Daspit. In 1982, there were virtually no openings for navigation between 5:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 5:00 p.m. the average monthly openings by the hour ranged from 0.1 to 0.5, with an average daily opening of 0.12.

(2) Bridges with proposed four hours notice between 9:00 p.m. and 5:00 a.m. at all times:

Mile 27.0, Parish Road near Baldwin. In 1982, during the advance notice period between 9:00 p.m. and 5:00 a.m., the average monthly openings by the hour ranged from 0.3 to 1.9, with an average daily opening of 0.17.

Mile 32.5, LA 324 at Charenton. In 1982, during the advance notice period between 9:00 p.m. and 5:00 a.m., the average monthly openings by the hour ranged from 0.3 to 0.6, with an average daily opening of 0.05. This occurred from

9:00 p.m. to midnight. There were no openings from midnight to 5:00 a.m.

Mile 37.0, LA 670 at Adeline. In 1982, during the advance notice period between 9:00 p.m. and 5:00 a.m., the average monthly opening was 0.25, with an average daily opening of 0.01. This occurred from 9:00 p.m. to 10:00 p.m. There were no openings from 10:00 p.m. to 5:00 a.m.

Mile 38.9, Parish Road at Sorrel. In 1982, during the advance notice period between 9:00 p.m. and 5:00 a.m., the average monthly openings by the hour ranged from 0.1 to 0.8, with an average daily opening of 0.04. This occurred from 9:00 p.m. to 10:00 p.m. and 1:00 a.m. to 4:00 a.m. There were no openings from 10:00 p.m. to 1:00 a.m. and 4:00 a.m. to 5:00 a.m.

(3) Bridge with proposed 24 hours notice at all times.

Mile 73.3, LA 92 near St. Martinville (under construction). This notice is the same as for the existing drawbridge at mile 75.2. Both bridges are located upstream of the Corps of Engineers lock at mile 72.4, that is closed to navigation from 8:00 p.m. to 4:00 a.m. daily.

The advance notice for opening the drawbridges would be given by placing a collect call at any time from ashore or afloat, as follows:

Bridge owner	From ashore call	From afloat call
LDOTD	Lafayette (318) 233-7404.	Morgan City Public Coast Station KKD 732, VHF Channels 24 and 26.
St. Mary Parish.	Franklin (318) 828-1960.	Morgan City Public Coast Station KKD 732, VHF Channels 24 and 26.
Iberia Parish.	Loreauville (318) 229-8874.	Morgan City Public Coast Station KKD 732, VHF Channels 24 and 26.

Considering the few openings involved and the provision for a four hour advance notice, the Coast Guard feels that the proposed regulations should relieve the bridge owner of the burden of having a person constantly available at the bridge to open the draw, while still providing for the reasonable needs of navigation.

Economic Assessment and Certification

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since the impact is expected to be minimal. In accordance with § 605(b) of the Regulatory

Flexibility Act (5 U.S.C. 605(b)), it is certified that this rule, if promulgated, would not have a significant economic impact of a substantial number on small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, the Coast Guard proposes to amend § 117.245 and § 117.540, Part 117, Title 33 Code of Federal Regulations, as follows:

1. Revise paragraph (j)(10)(i) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets: bridges where constant attendance of draw tenders is not required.

* * * * *

(j) * * *
(10) Bayou Teche, LA (i) LA-92 highway drawbridge, mile 73.3, near St. Martinville, LA-96 highway drawbridge, mile 75.2, at St. Martinville, and LA-350 highway drawbridge, mile 82.0, at Parks. The draws shall open on signal if at least 24 hours notice is given.

* * * * *

2. In § 117.540, A. Paragraphs (a) and (b) of § 117.540 are amended by removing all Bayou Teche drawbridges.

B. Redesignate paragraphs (c) and (d) of § 117.540 as paragraphs (f) and (g), respectively.

C. Add new paragraphs (c) and (d) to read as follows:

§ 117.540 Bridges in Louisiana where constant attendance is not required.

* * * * *

(c) The draws of the bridges listed below shall open on signal if at least four hours notice is given.

Bayou Teche, mile 3.9, St. Mary Parish drawbridge at Calumet, St. Mary Parish.
Bayou Teche, mile 11.8, St. Mary Parish drawbridge at Centerville, St. Mary Parish.
Bayou Teche, mile 16.3, LA 3069 highway drawbridge at Franklin, St. Mary Parish.
Bayou Teche, mile 17.2, LA 322 highway drawbridge at Franklin, St. Mary Parish.
Bayou Teche, mile 22.3, LA 323 highway drawbridge at Oaklawn, St. Mary Parish.
Bayou Teche, mile 41.8, LA 671 highway drawbridge at Jeanerette, Iberia Parish.
Bayou Teche, mile 43.5, LA 3182 highway drawbridge at Jeanerette, Iberia Parish.
Bayou Teche, mile 48.7, LA 320 highway drawbridge at Olivier, Iberia Parish.
Bayou Teche, mile 50.4, LA 3195 highway drawbridge at New Iberia, Iberia Parish.
Bayou Teche, mile 52.5, LA 87 highway drawbridge at New Iberia, Iberia Parish.

Bayou Teche, mile 53.0, LA 86 highway drawbridge at New Iberia, Iberia Parish.
Bayou Teche, mile 53.3, LA 3156 highway drawbridge at New Iberia, Iberia Parish.
Bayou Teche, mile 56.7, LA 44 highway drawbridge at Morbihan, Iberia Parish.
Bayou Teche, mile 58.0, Iberia Parish 320 drawbridge at New Iberia, Iberia Parish.
Bayou Teche, mile 60.7, Iberia Parish drawbridge at Vida, Iberia Parish.
Bayou Teche, mile 62.5, LA 344 highway drawbridge at Loreauville, Iberia Parish.
Bayou Teche, mile 69.0, LA 86 highway drawbridge at Daspit, Iberia Parish.

(d) The draws of the bridges listed below shall open on signal from 5:00 a.m. to 9:00 p.m. From 9:00 p.m. to 5:00 a.m. the draws shall open on signal if at least four hours notice is given.

Bayou Teche, mile 27.0, St. Mary Parish drawbridge near Baldwin, St. Mary Parish.
Bayou Teche, mile 32.5, LA 324 highway drawbridge at Charenton, St. Mary Parish.
Bayou Teche, mile 37.0, LA 870 highway drawbridge at Adeline, St. Mary Parish.
Bayou Teche, mile 38.9, St. Mary Parish drawbridge at Sorrel, St. Mary Parish.

* * * * *

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

Dated: July 18, 1983.

W. H. Stewart,
Rear Admiral, U.S. Coast Guard, Commander,
Eighth Coast Guard District.

[FR Doc. 83-21922 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD 08-83-05]

Drawbridge Operation Regulations; Vermilion River, Louisiana

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Louisiana Department of Transportation and Development (LDOTD), the Coast Guard is considering changing the regulations governing two LDOTD low level drawbridges, to provide the following operation:

(1) Require that at least four hours advance notice be given for an opening of the draw at all times, for the:

Lift span bridge, mile 41.0, LA 733 at Lafayette.

(2) Require that at least 48 hours advance notice be given for an opening of the draw at all times for the:

Swing span bridge, mile 44.9, LA 3073 at Lafayette.

These two bridges presently are required to open on signal from 5:00 a.m. to 9:00 p.m. and on a 12 hour advance notice otherwise at all times.

This proposal is being made because of the infrequent requests for openings of the draws during the periods specified for advance notice. This action is designed to relieve the bridge owner of the burden of having a person constantly available at the bridge to open the draw, while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before September 26, 1983.

ADDRESS: Comments should be mailed or hand delivered to the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130. Comments are available for examination at this address from 9:00 a.m. to 3:00 p.m., Monday through Friday except holidays.

FOR FURTHER INFORMATION CONTACT: Joseph Irico, Chief, Bridge Administration Branch, at the address given above (504) 589-2965.

SUPPLEMENTARY INFORMATION: Interested parties are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identifying the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed post card or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a final course of action on this proposal. The proposed regulation may be changed in the light of comments received.

Drafting Information

The principal persons involved in drafting this proposal are: Joseph Irico, Project Manager, District Operations Division, and Steve Crawford, General Attorney, District Legal Office.

Discussion of the Proposed Regulations

Minimum vertical clearances of the two bridges in the closed position are six feet at the lift span bridge, mile 41.0, and 10.6 feet at the swing span bridge, mile 44.9. Navigation through the first bridge consists largely of commercial vessels, the bulk of which stops short of the second bridge. The few commercial vessels which go through the second bridge are associated with a boat yard just above mile 49.0. Data submitted by the LDOTD for the entire year 1982 indicate that there is infrequent traffic through the bridges during the proposed

advance notice periods, as reviewed below:

(1) Bridge with proposed four hours notice at all times:

Mile 41.0, LA 733 at Lafayette. In 1982, the average monthly openings by the hour ranged from 0.0 to 2.1, with an average daily opening of 0.79. This is significantly lower than the bridge at mile 37.6 immediately downstream where the average monthly openings by the hour ranged from 0.3 to 3.7, with an average daily opening of 1.44. That bridge operates on signal from 5:00 a.m. to 9:00 p.m. and on 12 hours advance notice otherwise. Its operation is not being changed.

(2) Bridge with proposed 48 hours notice at all times:

Mile 44.9, LA 3073 at Lafayette. In 1982, there were no openings for navigation between 9:00 p.m. and 6:00 a.m. Between 6:00 a.m. and 9:00 p.m. the average monthly openings by the hour ranged from 0.0 to 0.3, with an average daily opening of 0.05. This is about the same as the bridge at mile 49.0 that operates on 48 hours advance notice at all times.

The advance notice for opening the drawbridges would be given by placing a collect call at any time from ashore or afloat, as follows:

From Ashore Call	From Afloat Call
Lafayette, (318) 233-7404	Earlth Public Coast Station, KKM 849, VHF Channels 25, 86 or 87.

Considering the few openings involved and the provision for an appropriate advance notice in both cases, the Coast Guard feels that the proposed regulations should relieve the bridge owner of the burden of having a person constantly available at the bridge to open the draw, while still providing for the reasonable needs of navigation.

Economic Assessment and Certification

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since the impact is expected to be minimal. In accordance with § 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that this rule, if promulgated,

would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117 Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, the Coast Guard proposes to amend § 117.245 and § 117.540, Part 117, Title 33 Code of Federal Regulations, as follows:

1. Revise § 117.245(j)(14) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(j) * * *

(14) Vermilion River, La.—LA 3073 highway drawbridge, mile 44.9, and LA 182 highway drawbridge, mile 49.0, at Lafayette. The draws shall open on signal if at least 48 hours notice is given. Remove from § 117.540(b) the Vermilion River, mile 41.0, S-733 highway drawbridge at Eloi Broussard, and the Vermilion River, mile 44.9, S-3073 highway drawbridge at New Flanders.

2. Redesignate § 117.540 (c) and (d) as § 117.540 (f) and (g), respectively.

3. Add new § 117.540(c) immediately after § 117.540(b) to read:

§ 117.540 Bridges in Louisiana where constant attendance is not required.

(c) The draw of the bridge listed below shall open on signal if at least four hours notice is given:

Vermilion River, mile 41.0, LA 733 highway drawbridge at Lafayette.

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

Dated: July 29, 1983.

W. H. Stewart,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 83-21941 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 2

[Docket No. 30719-138]

Attorney Disciplinary Rules

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Patent and Trademark Office proposes to revise the rules of practice in patent and trademark cases, concerning standards of conduct and disciplinary procedures for attorneys and agents recognized to practice before the Office. The present rules do not go into detail as to the obligations arising under the standards of conduct, or as to the procedures for investigating complaints and conducting disciplinary actions. The proposed rules would spell out the obligations of those who practice before the Office, and the procedures for enforcing them, in sufficient detail to better achieve an even-handed regulation of the practice of attorneys and agents before the Office. The proposed rules would also reassign responsibility for administering these rules. However, the proposed rules would not change the current requirements and procedures for gaining recognition to represent applicants or other parties before the Office.

DATES: Comments must be received on or before September 29, 1983; a public hearing will be held September 29, 1983, beginning at 9:00 AM. Requests to present oral testimony should be received by September 22, 1983.

ADDRESS: Address written comments to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, marked to the attention of William Feldman. The hearing will be held in Room 11C24 of Building 3, Crystal Plaza, located at 2021 Jefferson Davis Highway, Arlington, Virginia. Written comments and a transcript of the public hearing will be available for public inspection in Room 11A13 of Building 3, Crystal Plaza, 2021 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: William Feldman, by telephone at (703) 557-2012 or by mail marked to his attention and addressed as indicated above.

SUPPLEMENTARY INFORMATION: This proposed rule change is designed in part to clarify the standards of professional conduct to which attorneys and agents must conform in representing applicants or other parties before the Patent and Trademark Office. Sections 1.344 and 2.13, if amended as proposed, would require attorneys, agents and other persons appearing before the Office in patent and trademark cases, respectively, to conform to the standards of ethical and professional conduct set forth in the American Bar Association's current Code of Professional Responsibility. This change, coupled with the removal of

§§ 1.345 and 2.14 which prohibit advertising, and the addition of § 1.349, would make the rules consistent with the decisions of the United States Supreme Court in *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977); *Ohralik v. Ohio State Bar Association*, 436 U.S. 447 (1978); and *In re Primus*, 436 U.S. 412 (1978).

Additional changes in §§ 1.344 and 2.13 are proposed which would specifically prohibit patent agents registered to practice under §§ 1.341(b) or 1.341(e) and persons recognized to practice under §§ 2.12(b) or 2.12(c), from holding themselves out to be an attorney, solicitor or lawyer. The prohibition would include all forms of communication since such representation would not only be false, deceptive and misleading but a misrepresentation of the authority granted the individual by virtue of their recognition to represent clients in patent and trademark cases. This prohibition has been added so that non-lawyers bound by a lawyer's code of responsibility will not mistakenly assume they can style themselves as lawyers.

A new § 1.349 is proposed to prohibit advertising and solicitation specifically proscribed in 35 U.S.C. 32.

A new § 1.360 is proposed to define the Commissioner's authority to conduct disciplinary proceedings.

The addition of a new § 1.361 further concerning professional conduct is proposed. This proposed new section defines by means of a non-exclusive listing, conduct which is considered *prima facie* disreputable and would result in suspension or exclusion from practice. The purpose of this section is to augment §§ 1.344 and 2.13 which require adherence to the standards of ethical and professional conduct set forth in the Code of Professional Responsibility of the American Bar Association.

New § 1.362 is proposed to replace § 1.348(a). This section provides for a Director of Enrollment and Discipline. Under § 1.362(b) the Director is assigned the responsibility previously assigned to the Solicitor for conducting investigations, preparing charges, collecting and presenting testimony, and presenting cases for suspension or exclusion from practice of attorneys and registered agents admitted to practice before the Office. Establishing the position of Director of Enrollment and Discipline will provide separation of the discipline function from the duties of the Solicitor and a full time investigative office to which complaints can be specifically directed. Moreover, the Solicitor will be available to counsel the

Commissioner on disciplinary matters without conflict of interest problems since the Solicitor will not have been involved in the investigation or presentation of the case for suspension or exclusion.

Proposed § 1.363-1.379 would specify in detail the procedures for initiation and conduct of disciplinary proceedings and would replace § 1.348(b)-(e). Specifically, § 1.363(a) would require disreputable conduct to be reported to the Director of Enrollment and Discipline. Section 1.363(b) would impose a duty on attorneys and registered agents to supply information concerning violation of the regulations to the Director of Enrollment and Discipline. Sections 1.363(c) and 1.364(a) would encourage the Director of Enrollment and Discipline to correspond and confer with a proposed respondent prior to instituting disciplinary proceedings. Section 1.364(b) would allow the Director of Enrollment and Discipline to accept resignations or voluntary suspensions in lieu of instituting disciplinary proceedings.

Proposed § 1.363(c) would replace § 348(b) and require the Director of Enrollment and Discipline to file a formal complaint to institute disciplinary proceedings. Section 1.365 would require the complaint to be plain and concise, and sets forth a time limit for respondent to file an answer to the complaint. This is not significant departure from existing practice.

Proposed § 1.366(a) is new to the rules and would provide methods for serving the complaint and obtaining proof of service. Section 1.366(b) similarly would provide for service of papers other than the complaint and would authorize the Administrative Law Judge or Commissioner to require express mail or hand delivery if warranted.

Proposed § 1.367 would replace § 1.348(c) and require the respondent to file an answer to the complaint which fully responds to each allegation of the complaint and also states any affirmative defenses. This would not be a significant departure from existing practice.

Proposed § 1.367(e) would authorize use of a subpoena under 35 U.S.C. 24 to obtain evidence once an answer to the complaint has been filed.

Proposed § 1.370 would provide for the filing of motions. Under this section the moving party would be required to confer with the opposing party and make a good faith effort to resolve the issue raised by the motion before making the motion. This section is new and is designed to expedite disciplinary proceedings by reducing issues.

Proposed § 1.372 would replace § 1.348(e) and provide for the appointment of an Administrative Law Judge to preside over disciplinary proceedings. Specific responsibilities of the Administrative Law Judge are delineated in § 1.372(b). Requiring an Administrative Law Judge to preside over disciplinary proceedings is designed to insure that the presiding official will be competent and experienced in deciding matters such as admissibility of evidence, etc.

Under proposed § 1.373, disciplinary hearings would be held in all cases. The hearings would be recorded and transcribed. This section would replace § 1.348(d) but would not depart significantly from present practice.

Under proposed § 1.374, disciplinary hearings would not be open to the public unless the respondent requests an open hearing and the Director of Enrollment and Discipline does not object. Although the current rules are silent on this point, this is consistent with present practice.

Proposed § 1.375 would provide general rules of evidence to be followed in hearings in disciplinary proceedings. Specific guidelines for taking depositions are set forth in proposed § 1.376. This section would replace § 1.348(d)(3) and specifically set time limits and conditions broadly referenced in the predecessor section.

Under proposed § 1.377, specific guidelines for discovery and limitations on discovery are set forth. This section would depart from past practice but is consistent with the Court of Appeals' decision in *Silverman v. Commodity Futures Trading Commission*, 549 F. 2d 28 (7th Cir. 1977).

Under proposed § 1.378, the parties would have the right to file proposed findings and conclusions and a post-hearing memorandum prior to the initial decision of the Administrative Law Judge.

Under proposed § 1.379, the Administrative Law Judge would be required to file a written initial decision in the case within six months from the date the complaint is served. This would be a significant departure from present practice under which no time limit is prescribed for filing the initial decision. This section is designed to expedite disciplinary proceedings.

Under proposed § 1.380, either party may appeal the initial decision of the Administrative Law Judge to the Commissioner within thirty days of the initial decision. The Commissioner would make a final decision under proposed § 1.381 after allowing the other party thirty days to file a reply brief. As in the past the respondent may seek review of the Commissioner's decision

by petitioning the United States District Court for the District of Columbia.

Proposed § 1.382 (a) and (b) set forth the consequences of suspension or exclusion from practice as they now exist. Under proposed § 1.382(c) a further sanction of revocation of privileges would be possible. This sanction is designed to prevent suspended or excluded practitioners from circumventing the disciplinary action taken by the Office. Proposed § 1.382(d) would provide for publication of the final order of suspension or exclusion from practice. Such publication is believed necessary to effect the disciplinary sanction under § 1.361(f).

Under proposed § 1.383 an excluded practitioner may petition for reinstatement after five years. In addition, this section suggests that a further penalty, the costs of the disciplinary proceedings plus interest, may be levied against an excluded or suspended practitioner as a condition for reinstatement.

Under proposed § 2.16 attorneys and other persons representing applicants in trademark cases would be held to the same standards of professional conduct as registered attorneys and agents representing applicants in patent cases. Procedures governing disciplinary proceedings and reinstatement as specifically provided in §§ 1.362-1.383 would apply as well to trademark practitioners.

Environmental, energy, and other considerations: The proposed rule change will not have a significant impact on the quality of the human environment or the conservation of energy resources.

The proposed rule change is in conformity with requirements of the Regulatory Flexibility Act (Pub. L. 96-354), Executive Order 12291, and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

The Patent and Trademark Office has determined that this rule change is not a major rule under Executive Order 12291. The annual effect on the economy will be less than \$100 million. There will be no major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule change will not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, since

no significant additional record keeping or reporting requirements are placed upon the public.

List of Subjects in 37 CFR Parts 1 and 2

Administrative practice and procedure, Advertising, Courts, Freedom of information, Inventions and patents, Investigations, Lawyers, Legal services, Trademarks.

Notice is hereby given that, pursuant to the authority granted to the Commissioner of Patents and Trademarks by 35 U.S.C. 6, 31 and 32, the Patent and Trademark office proposes to amend Title 37 of the Code of Federal Regulations as set forth below.

It is proposed to amend 37 CFR Parts 1 and 2 as follows with deletions indicated by brackets and additions by arrows.

PART 1—(AMENDED)

1. Section 1.344 is proposed to be amended by designating the existing paragraph as paragraph (a), revising newly designated paragraph (a) and adding a new paragraph (b) to read as follows:

§ 1.344 Professional conduct.

▶(a)◀ Attorneys and agents appearing before the Patent and Trademark Office must conform to the standards of ethical and professional conduct set forth in the Code of Professional Responsibility of the American Bar Association [as amended February 24, 1970.] insofar as such code is not inconsistent with ▶Chapter I of◀ this ▶title◀ [part]. A copy of the said code is available for inspection in the Office of the [Solicitor] ▶Director of Enrollment and Discipline, U.S. Patent and Trademark Office, Room [11C04] ▶11E14◀, Building [9] ▶4◀, Crystal Plaza, [2021] Jefferson Davis Highway, Arlington, Va. Copies of the code are available upon request to the American Bar Center, 1155 E. 60th Street, Chicago, Ill. 60637.

▶(b)◀ An agent registered to practice under §§ 1.341(b) or 1.341(e) shall not hold himself or herself out to be an attorney, solicitor or lawyer.◀

2. Section 1.345 is proposed to be removed as follows:

§ 1.345 [Advertising.] ▶Reserved.◀

[(a) The use of advertising, circulars, letters, cards, and similar material to solicit patent business, directly or indirectly, is forbidden as unprofessional conduct, and any person engaging in such solicitation, or associated with or employed by others who so solicit, shall be refused

recognition to practice before the Patent and Trademark Office or may be suspended, excluded or disbarred from further practice.

(b) The use of simple professional letterheads, calling cards, or office signs, simple announcements necessitated by opening an office, change of association, or change of address, distributed to clients and friends, and insertion of listings in common form (not display) in a classified telephone or city directory, and listings and professional cards with biographical data in standard professional directories shall not be considered a violation of this rule.

(c) No agent shall, in any material specified in paragraph (b) of this section or in papers filed in the Patent and Trademark Office, represent himself to be an attorney, solicitor or lawyer.]

3. Section 1.348 is proposed to be removed as follows:

§ 1.348 [Suspension or disbarment proceedings] ▶ Reserved. ◀

[Except as otherwise provided, proceedings for suspension, disbarment or exclusion from practice are before a Commissioner.

(a) *Investigating and prosecuting officer.* The duties of investigation, preparing charges, collecting and presenting testimony, and presenting a case for suspension, exclusion from practice or disbarment shall be performed by the Solicitor of the Patent and Trademark Office or, at his direction, by a designated law examiner or other person, and neither the Solicitor nor such law examiner or other person shall participate in any manner in the decision of the case. If, upon investigation of a complaint or other information concerning an attorney or agent, it shall appear to the Solicitor that grounds for suspension, exclusion from practice, or disbarment exist, he shall prepare and forward the necessary notice and statement.

(b) *Notice of proceedings.* Proceedings for suspension or disbarment shall be instituted by the Solicitor by mailing to, or otherwise serving on, the respondent a notice of such proceeding with a statement of the charges against him, at the same time forwarding a copy to the Commissioner. It shall be the duty of the respondent to answer the charges as specified in paragraph (c) of this section.

(c) *Answer.* The respondent's answer shall be filed in writing with the Commissioner within one month from the time the notice is served on the respondent, or within such extension of time as may be allowed by the Commissioner for good cause shown. The answer shall be under oath or declaration. Failure to answer within the

time allowed will be taken as an admission of the charges. The respondent in his answer should specifically admit or deny every material allegation of fact in the statement of charges; every allegation not denied shall be deemed admitted, unless the respondent states that he has no knowledge thereof sufficient to form a belief, which statement shall be considered a denial. Any special matters of defense shall be stated affirmatively in the answer. False statements in the answer may be made the basis of supplemental charges.

(d) *Hearing.* (1) Unless the Commissioner finds the answer sufficient to dispose of the charges, he will set the case for hearing before him, notifying the respondent and the Solicitor of the place, day and time of commencement of the hearing. Evidence as to the matters in issue may be submitted at the hearing, the testimony of witnesses being presented orally, under oath and reported.

(2) The hearing may be advanced and continued by the Commissioner as far as may be deemed convenient and proper.

(3) Depositions for use at the hearing in lieu of personal appearance of witnesses may be taken by either the Solicitor or the respondent on application to and with the written consent of the Commissioner within such times and under such conditions as the Commissioner may prescribe.

(e) *Hearing Officer.* The Commissioner may, in his discretion, delegate the conduct of the hearing to a hearing or trial examiner who shall be the presiding officer and who shall make a recommended decision.

(f) *Administrative Procedure Act.* Proceedings shall be governed, in matters not specifically set forth herein, by the provisions of the Administrative Procedure Act, 60 Stat. 237; 5 U.S.C. 1001-1011, which may be applicable.]

4. Section 1.349 is proposed to be added and reads as follows:

▶ § 1.349 Advertising and solicitation. ◀

▶ No attorney or registered agent shall with respect to any prospective business before the Patent and Trademark Office, by word, circular, letter, or advertising, with intent to defraud in any manner, deceive, mislead or threaten any prospective applicant or other person having prospective business before the Office. ◀

§ 1.351 [Redesignated as § 1.391]

5. Section 1.351 is proposed to be redesignated as § 1.391. The center heading "Amendment of Rules" is transferred to appear above § 1.391.

§ 1.352 [Redesignated as § 1.392.]

6. Section 1.352 is proposed to be redesignated as § 1.392.

7. Section 1.360 is proposed to be added and reads as follows:

▶ § 1.360 Suspension or exclusion from practice. ◀

▶ The Commissioner, after notice and opportunity for hearing, may suspend or exclude from practice before the Patent and Trademark Office either generally or in any particular case, any person, attorney or registered agent shown to be incompetent, disreputable or guilty of unethical or unprofessional conduct or gross misconduct, or who does not comply with the rules and regulations in Chapter I of this title. ◀

8. Section 1.361 is proposed to be added and reads as follows:

▶ § 1.361 Disreputable conduct. ◀

▶ Disreputable conduct for which an attorney or registered agent may be suspended or excluded from practice before the Patent and Trademark Office includes, but is not limited to:

(a) Conviction of any criminal offense under any law of the United States or any state thereof or for any offense involving dishonesty or breach of trust.

(b) Giving false or misleading information, or participating in any way in the giving of false or misleading information, to the Patent and Trademark Office or any employee thereof, or to any tribunal authorized to pass upon matters administered by the Patent and Trademark Office in connection with any matter pending or likely to be pending before them, knowing the information to be false or misleading. Facts or other matters contained in testimony, applications for patents or trademarks, affidavits, declarations, or any other document or statement, written or oral, are included in the term "information."

(c) Misappropriation of, or failure properly and promptly to remit funds received from a client for the purpose of payment of fees to the Commissioner.

(d) Directly or indirectly attempting to influence, or offering or agreeing to attempt to influence, the official action of any employee of the Patent and Trademark Office by the use of threats, false accusations, duress or coercion, by the offer of any special inducement or promise of advantage or by the bestowing of any gift, favor, or thing of value.

(e) Disbarment or suspension from practice as an attorney by any duly constituted authority of any State, Possession, Commonwealth, the District of Columbia, or by any Federal Court.

(f) Knowingly aiding and abetting another person to practice before the Patent and Trademark Office during a period of suspension, exclusion, or ineligibility of the other person. Maintaining a partnership for the practice of law, or other related professional service with a person who is under suspension or exclusion from practice before the Patent and Trademark Office is presumed to be a violation of this provision.

(g) Contemptuous conduct in connection with practice before the Patent and Trademark Office, including the use of abusive language, making false accusations and statements knowing them to be false, or circulating or publishing malicious or libelous matter.

(h) Knowingly withholding from the Patent and Trademark Office information identifying a patent from which a claim(s) has (have) been copied.

(i) Refusing or neglecting to forward correspondence received on behalf of a former client to that client or to notify the Patent and Trademark Office of the inability to forward such correspondence. ◀

9. Section 1.362 is proposed to be added and reads as follows:

▶ § 1.362 Director of Enrollment and Discipline. ◀

▶ (a) *Appointment.* The Commission shall appoint a Director of Enrollment and Discipline. In the event of the absence of the Director of Enrollment and Discipline or a vacancy in that office the Commissioner shall designate an employee of the Patent and Trademark Office to act as Director of Enrollment and Discipline.

(b) *Duties.* The Director of Enrollment and Discipline shall: conduct investigations; prepare charges; collect and present testimony and present cases for suspension or exclusion from practice of the attorneys and registered agents admitted to practice before the Patent and Trademark Office. The Director may perform other duties as are necessary and appropriate to carry out the Director's functions under this part or as prescribed by the Commissioner. The Director shall not participate in deciding any case. ◀

10. Section 1.363 is proposed to be added and reads as follows:

▶ § 1.363 Initiation of disciplinary proceedings. ◀

▶ (a) *Receipt of information.* If an employee of the Patent and Trademark Office has reason to believe that an attorney or registered agent has violated any of the provisions of this part, the employee shall promptly make a report

thereof which will be forwarded to the Director of Enrollment and Discipline. Any other person possessing information concerning violations or disreputable conduct may make a report thereof to the Director of Enrollment and Discipline or to any employee of the Patent and Trademark Office.

(b) *Furnishing information.* It is the duty of an attorney or registered agent who practices before the Patent and Trademark Office, when requested by the Director of Enrollment and Discipline, to provide the Director with any information the person may have concerning violation of the regulations in this part by any other person, and to testify thereto in any proceeding instituted under this part for the suspension or exclusion from practice of an attorney or registered agent, unless the person believes in good faith and on reasonable grounds that that information is privileged or that the request is of doubtful legality.

(c) *Institution of proceeding.* When the Director of Enrollment and Discipline has reason to believe that any attorney or registered agent has violated any provisions of the laws or regulations governing practice before the Patent and Trademark Office, the Director may reprimand the person or institute a disciplinary proceeding for the suspension or exclusion from practice of that person. The proceeding will be instituted by a complaint which names the respondent and is signed by the Director of Enrollment and Discipline and filed in the Director's office. Except in cases of willfulness, or when time, the nature of the proceeding, or the public interest does not permit, the Director of Enrollment and Discipline may not institute a proceeding until the Director has called to the attention of the proposed respondent, in writing, facts or conduct which warrant institution of a proceeding, and has accorded the proposed respondent the opportunity to demonstrate or achieve compliance with all lawful requirements. An Administrative Law Judge will be appointed at the time the complaint is filed. A copy of the complaint will be given to the Administrative Law Judge. ◀

11. Section 1.364 is proposed to be added and reads as follows:

▶ § 1.364 Conferences. ◀

▶ (a) *General.* The Director of Enrollment and Discipline may confer with an attorney or registered agent concerning allegations of misconduct whether or not a proceeding for suspension or exclusion from practice has been instituted.

(b) *Resignation or voluntary suspension.* An attorney or registered

agent may avoid the institution or conclusion of a suspension or exclusion proceeding by offering his or her consent to suspension from practice before the Patent and Trademark Office.

A registered agent may also offer a resignation. The Director of Enrollment and Discipline, at his or her discretion, may accept the offered resignation of a registered agent and may suspend an attorney or registered agent in accordance with the consent offered. Revocation of the privilege of using the Public Search Room and other facilities of the Patent and Trademark Office to perform work on behalf of others may be a condition of suspension or acceptance of resignation. ◀

12. Section 1.365 is proposed to be added and reads as follows:

▶ 1.365 Contents of complaint ◀

▶ (a) *Charges.* A complaint will give a plain and concise description of the allegations which constitute the basis for the proceeding. A complaint will be deemed sufficient if it fairly informs the respondent of the charges so that respondent is able to prepare a defense.

(b) *Demand for answer.* The complaint will state the place and time for filing an answer by the respondent. The time will be not less than fifteen (15), and not more than thirty (30), calendar days from the date of service of the complaint. Notice will be given that a decision by default may be rendered against the respondent if the complaint is not answered as required. ◀

13. Section 1.366 is proposed to be added and reads as follows:

▶ § 1.366 Service of complaint and other papers. ◀

▶ (a) *Complaint.* A copy of the complaint may be served upon the respondent by certified mail or by first-class mail sent to respondent's last address known to the Director of Enrollment and Discipline. The copy of the complaint may be delivered to the respondent or the respondent's attorney of record either in person or by leaving it at the Office of the respondent, or attorney, or the complaint may be delivered in any manner which has been agreed to by the respondent. If service is by certified mail, the post office receipt signed by or on behalf of the respondent will be proof of service. If the certified mail is not claimed or accepted by the respondent and is returned undelivered, complete service may be made upon the respondent by mailing the complaint to respondent by first-class mail, addressed to the respondent at the address on file with the Committee on

Enrollment or at last known address known to the Director of Enrollment and Discipline. If service is made upon the respondent or the respondent's attorney in person, or by leaving the complaint at the office of the respondent, or attorney, the verified return by the person making service, setting forth the manner of service, will be proof of service. If respondent is a registered agent or attorney a letter pursuant to § 1.347 may be sent with the complaint. Respondent shall respond to said letter within fifteen (15) days from the date of the letter and such response shall constitute proof of service.

(b) *Service of other papers.* Any paper other than the complaint may be served upon an attorney or registered agent as provided in paragraph (a) of this section, or by mailing the paper by first-class mail to the respondent's attorney of record or if respondent is not represented by an attorney by mailing the paper by first-class mail to the respondent at the address on file with the Committee on Enrollment or at the last address known to the Director of Enrollment and Discipline. This mailing will constitute complete service. The Administrative Law Judge or Commissioner may require that service of papers be made by express mail or hand delivery.

(c) *Filing of papers.* When the filing of a paper is required or permitted in connection with a disciplinary proceeding, and the place of filing is not specified by this section or by rule or order of the Administrative Law Judge or by direction of the Director of Enrollment and Discipline, the papers should be filed with the Director of Enrollment and Discipline, Patent and Trademark Office, Washington, D.C. 20231. All papers will be filed in duplicate. ◀

14. Section 1.367 is proposed to be added and reads as follows:

▶ § 1.367 Answer. ◀

▶ (a) *Filing.* The respondent shall file an answer in writing with the Administrative Law Judge within the time specified in the complaint or notice of institution of the proceeding, unless, on application, the time is extended by the Director of Enrollment and Discipline or the Administrative Law Judge. A copy of the answer shall be served on the Director of Enrollment and Discipline.

(b) *Content.* The respondent shall include in the answer a statement of facts which constitute the grounds of defense, and shall specifically admit or deny each allegation set forth in the complaint, except that the respondent shall not deny a material allegation in

the complaint which respondent knows to be true, or state that respondent is without sufficient information to form a belief when in fact the respondent possesses that information. The respondent shall also state affirmatively special matters of defense.

(c) *Failure to deny or answer allegations in the complaint.* Every allegation in the complaint which is not denied in the answer is deemed to be admitted and may be considered proven, and no further evidence in respect of that allegation need be adduced at a hearing. Failure to file an answer within the time prescribed in the notice to the respondent, except as the time for answer is extended by the Director of Enrollment and Discipline or the Administrative Law Judge, will constitute an admission of the allegations of the complaint and a waiver of hearing, and the Administrative Law Judge may render a decision by default without a hearing or further procedure.

(d) *Reply by Director of Enrollment and Discipline.* No reply to the respondent's answer is required, and new matter in the answer shall be deemed to be denied, but the Director of Enrollment and Discipline may file a reply at the Director of Enrollment and Discipline may file a reply at the Director's discretion or at the request of the Administrative Law Judge.

(e) *Contested Case.* Upon the filing of an answer by respondent the proceeding shall be regarded as a contested case within the meaning of 35 U.S.C. 24. Evidence obtained by subpoena shall not be admitted into the record or considered unless the subpoena was previously authorized by the Administrative Law Judge. ◀

15. Section 1.368 is proposed to be added and reads as follows:

▶ § 1.368 Supplemental charges. ◀

▶ If it appears that the respondent's answer, falsely and in bad faith, denies a material allegation of fact in the complaint or states that the respondent has no knowledge or information sufficient to form a belief, when respondent in fact possesses knowledge or that information, or if it appears that the respondent has knowingly introduced false testimony during proceedings for respondent's suspension or exclusion from practice the Director of Enrollment and Discipline may file supplemental charges against the respondent. These supplemental charges may be tried with other charges in the case, provided the respondent is given notice and is afforded an opportunity to prepare a defense to them. ◀

16. Section 1.369 is proposed to be added and reads as follows:

▶ § 1.369 Proof; variance; amendment of pleading. ◀

▶ In case of a variance between the evidence and the allegations in a pleading, the Administrative Law Judge may order or authorize amendment of the pleading to conform to the evidence. The party who would otherwise be prejudiced by the amendment will be given reasonable opportunity to meet the allegation of the pleading as amended, and the Administrative Law Judge shall make findings on an issue presented by the pleadings as so amended. ◀

17. Section 1.370 is proposed to be added and reads as follows:

▶ § 1.370 Motions. ◀

▶ Motions may be filed with the Administrative Law Judge. The Administrative Law Judge will determine on a case-by-case basis the time period for response to a motion. No motion will be considered by the Administrative Law Judge unless such motion is supported by a written statement by the moving party that the moving party or attorney for the moving party has conferred with the opposing party or attorney for the opposing party in an effort in good faith to resolve by agreement the issues raised by the motion and has been unable to reach agreement. If issues raised by the motion are subsequently resolved between the parties the moving party should advise the Administrative Law Judge in writing of the matters in the motion which no longer require a decision. ◀

18. Section 1.371 is proposed to be added and reads as follows:

▶ § 1.371 Representation ◀

▶ A respondent or proposed respondent may appear in person or be represented by an attorney who need not be registered to practice before the Patent and Trademark Office. The Director of Enrollment and Discipline may be represented by an attorney or other employee of the Patent and Trademark Office. ◀

19. Section 1.372 is proposed to be added and reads as follows:

▶ § 1.372 Administrative Law Judge. ◀

▶ (a) *Appointment.* An Administrative Law Judge, appointed as provided by 5 U.S.C. 3105, shall conduct disciplinary proceedings.

(b) *Responsibilities.* The Administrative Law Judge shall have authority to:

(1) Administer oaths and affirmations;

(2) Make rulings upon motions and requests; these rulings may not be appealed prior to the close of the hearing except at the discretion of the Administrative Law Judge or the Commissioner in extraordinary circumstances;

(3) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(4) Take or authorize the taking of depositions;

(5) Determine the time and place of hearing and regulate its course and conduct;

(6) Hold or provide for the holding of conferences to settle or simplify the issues by consent of the parties;

(7) Receive and consider oral or written arguments on facts or law;

(8) Make initial decisions;

(9) Adopt procedures and modify them from time to time as occasion requires for the orderly disposition of proceedings; and

(10) Perform acts and take measures as necessary to promote the efficient and timely conduct of any proceeding. ◀

20. Section 1.373 is proposed to be added and reads as follows:

▶ § 1.373 **Hearings.** ◀

▶ (a) *Conduct.* The Administrative Law Judge shall preside at hearings in disciplinary proceedings. Hearings will be stenographically recorded and transcribed and the testimony of witnesses will be received under oath or affirmation. The Administrative Law Judge shall conduct hearings in accordance with 5 U.S.C. 556. A copy of the transcript of the hearing shall become part of the record. A copy of the transcript shall be provided to the Director of Enrollment and Discipline and the respondent.

(b) *Failure to appear.* If either party to a disciplinary proceeding fails to appear at the hearing, after notice has been sent, the Administrative Law Judge may deem the absent party to have waived the right to a hearing and may make a decision against the absent party by default. ◀

21. Section 1.374 is proposed to be added and reads as follows:

▶ § 1.374 **Hearings and records.** ◀

▶ A hearing in a disciplinary proceeding will not be open to the public except that the Director of Enrollment and Discipline may grant a request by a respondent to open his or her hearing to the public and make the record of the proceeding available for public inspection provided agreement is reached by stipulation in advance to exclude from public disclosure information which is privileged or

confidential under applicable laws and regulations. However, if the hearing results in disciplinary action against an attorney or registered agent, the record of the proceeding will be available for public inspection. ◀

22. Section 1.375 is proposed to be added and reads as follows:

▶ § 1.375 **Evidence.** ◀

▶ (a) *Rules of evidence.* The rules of evidence prevailing in courts of law and equity are not controlling in hearings in disciplinary proceedings. However, the Administrative Law Judge shall exclude evidence which is irrelevant, immaterial, or unduly repetitious.

(b) *Depositions.* Depositions of witnesses taken pursuant to § 1.376 may be admitted as evidence.

(c) *Government documents.* Official documents, records, and papers of the Patent and Trademark Office are admissible in evidence without extrinsic evidence of authenticity. These documents, records and papers may be evidenced by a copy certified as correct by an employee of the Patent and Trademark Office.

(d) *Exhibits.* If any document, record, or other paper is introduced in evidence as an exhibit, the Administrative Law Judge may authorize the withdrawal of the exhibit subject to any conditions the Administrative Law Judge deems appropriate.

(e) *Objections.* Objections to evidence will be in short form, stating the grounds of objection and the record may not include arguments thereon, except as ordered by the Administrative Law Judge. Rulings on objections will be a part of the record. No exception to the ruling is necessary to preserve the rights of the parties. ◀

23. Section 1.376 is proposed to be added and reads as follows:

▶ § 1.376 **Depositions.** ◀

▶ Depositions for use at a hearing may, with the approval of the Administrative Law Judge, be taken by either the Director of Enrollment and Discipline or the respondent or their authorized representatives. Depositions may be taken upon oral or written questions, upon not less than ten (10) days written notice to the other party, before any officer authorized to administer an oath for general purposes or before an employee of the Patent and Trademark Office authorized to administer an oath. The written notice will state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of ten (10) days notice may be waived by the parties in writing, and depositions may then be taken from the

persons and at the times and places mutually agreed to by the parties. When a deposition is taken upon written questions, any cross-examination will be served upon written questions.

Copies of the written questions will be upon the other party with the notice, and copies of any written cross-interrogatories will be mailed or delivered to the opposing party at least five (5) days before the date of taking the deposition, unless the parties mutually agree otherwise. A party on whose behalf a deposition is taken must file a transcript thereof with the Administrative Law Judge and serve one copy upon the opposing party. Expenses in the reproduction of depositions will be borne by the party at whose instance the deposition is taken. ◀

24. Section 1.377 is proposed to be added and reads as follows:

▶ § 1.377 **Discovery.** ◀

▶ Discovery shall not be authorized except as follows:

(1) The Administrative Law Judge may require parties to file and serve, prior to any hearing, a pre-hearing statement which contains

(a) A list (together with a copy) of all proposed exhibits to be used in connection with a party's case-in-chief,

(b) a list of proposed witnesses,

(c) the identity of government employees who have investigated the case and,

(d) copies of memoranda reflecting respondent's own statements to administrative representatives;

(2) After a witness testifies for a party, if the opposition requests, the party may be required to produce, prior to cross-examination, any written statement made by the witness;

(3) Requests for admissions, filed within such time as may be authorized by the Administrative Law Judge, which are to be admitted or denied and if denied a brief reason given for denial. ◀

25. Section 1.378 is proposed to be added and reads as follows:

▶ § 1.378 **Proposed findings and conclusions.** ◀

▶ Except in cases when the respondent has failed to answer the complaint, or when a party has failed to appear at the hearing, the Administrative Law Judge, prior to making an initial decision, shall afford the parties a reasonable opportunity to submit proposed findings and conclusions and a post-hearing memorandum in support of the proposed findings and conclusions. ◀

26. Section 1.379 is proposed to be added and reads as follows:

► § 1.379 Decision of Administrative Law Judge. ◄

► Within six (6) months from the date charges are served, the Administrative Law Judge shall make an initial decision in the case. The decision will include (a) a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (b) an order of suspension, exclusion from practice or reprimand or an order of dismissal of the complaint. The Administrative Law Judge shall file the decision with the Director of Enrollment and Discipline and shall transmit a copy to the respondent or the respondent's attorney of record. In the absence of an appeal to the Commissioner or review of the decision upon motion of the Commission, the decision of the Administrative Law Judge will, without further proceedings, become the decision of the Commissioner of Patents and Trademarks thirty (30) days from the date of the decision of the Administrative Law Judge. ◄

27. Section 1.380 is proposed to be added and reads as follows:

► § 1.380 Appeal to the Commissioner. ◄

► Within thirty (30) days from the date of the initial decision of the Administrative Law Judge, either party may appeal to the Commissioner. An appeal by the respondent will be filed with the Director of Enrollment and Discipline in duplicate and will include exceptions to the decision of the Administrative Law Judge and supporting reasons for those exceptions. If the Director of Enrollment and Discipline files the appeal, the Director shall transmit a copy of it to the respondent. Within thirty (30) days after receipt of an appeal or copy thereof, the other party may file a reply brief in duplicate with the Director of Enrollment and Discipline. If the Director files the reply brief, the Director shall transmit a copy of it to the respondent. Upon the filing of an appeal and a reply brief, if any, the Director of Enrollment and Discipline shall transmit the entire record to the Commissioner. ◄

28. Section 1.381 is proposed to be added and reads as follows:

► § 1.381 Decision of the Commission. ◄

► On appeal from or review of the initial decision of the Administrative Law Judge, the Commissioner shall make a final decision. In making this decision, the Commissioner shall review the record or those portions of the records as may be cited by the parties in order to limit the issues. The Director of Enrollment and Discipline shall transmit

a copy of the Commissioner's decision to the respondent. Review of the Commissioner's action may be had by petition to the United States District Court for the District of Columbia. ◄

29. Section 1.382 is proposed to be added and reads as follows:

► § 1.382 Effect of suspension or exclusion. ◄

► (a) *Exclusion.* If the final order against the respondent is for exclusion from practice, the respondent will not thereafter be permitted to practice before the Patent and Trademark Office in patent and trademark cases unless authorized to do so by the Committee on Enrollment or the Commissioner.

(b) *Suspension.* If the final order against the respondent is for suspension, the respondent will not thereafter be permitted to practice before the Patent and Trademark Office in patent and trademark cases during the period of suspension.

(c) *Revocation of privileges.* Revocation of the privilege of using the Public Search Room and other facilities of the Patent and Trademark Office, for work to be performed on behalf of others may be a condition of suspension or exclusion from practice.

(d) *Notice of suspension or exclusion.* Upon the issuance of a final order for suspension or exclusion from practice, the Director of Enrollment and Discipline shall give notice of the order to appropriate employees of the Patent and Trademark Office and to interested departments and agencies of the Federal Government. The Director of Enrollment and Discipline may also give notice to the proper authorities of the State in which, and any Courts before which, the suspended or excluded person is licensed to practice as an attorney. ◄

30. Section 1.383 is proposed to be added and reads as follows:

► § 1.383 Petition for reinstatement. ◄

► The Committee on Enrollment may entertain a petition for reinstatement from any person excluded from practice before the Patent and Trademark Office after the expiration of five (5) years following exclusion. The Committee on Enrollment may grant reinstatement if it is satisfied that the petitioner will conduct himself or herself in accordance with these regulations, and that granting reinstatement would not be contrary to the public interest. In issuing a final order, the Commissioner may impose as a condition for reinstatement that the person seeking reinstatement pay all or a portion of the costs and expenses of the proceedings which led to suspension or exclusion, plus interest thereon from the date of suspension. ◄

31. Section 1.384 is proposed to be added and reads as follows:

► § 1.384 Saving clause. ◄

► A proceeding for suspension or exclusion based on conduct engaged in prior to the effective date of these regulations may be instituted subsequent to such effective date, if such conduct would continue to justify suspension or exclusion under the provisions of these revised regulations. ◄

32. Section 1.385 is proposed to be added and reads as follows:

► § 1.385 Special orders. ◄

► The Commissioner reserves the power to issue such special orders as he may deem proper in any disciplinary proceeding. ◄

PART 2—[AMENDED]

33. Section 2.13 is proposed to be amended by designating the existing paragraph as paragraph (a), revising newly designated paragraph (a) and adding new paragraph (b) to read as follows:

§ 2.13 Professional conduct.

► (a) ◄ Attorneys and other persons appearing before the Patent and Trademark Office in trademark cases must conform to the standards of ethical and professional conduct set forth in the Code of Professional Responsibility of the American Bar Association [as amended February 24, 1970.] insofar as such code is not inconsistent with this part. A copy of the said code is available for inspection in the Office of the [Solicitor] ► Director of Enrollment and Discipline ◄, U.S. Patent and Trademark Office, Room [11C04] ► 11E14 ◄, Building [3] ► 4 ◄, Crystal Plaza, [2021] Jefferson Davis Highway, Arlington, Va. Copies of the code are available upon request to the American Bar Center, 1155 East 60th Street, Chicago, Ill. 60637.

► (b) Any person recongized to practice under §§ 2.12(b) and 2.12(c) is required to conform to the standards set forth in said Code of Professional Responsibility, and such person shall not hold himself or herself out to be an attorney, solicitor or lawyer. ◄

34. Section 2.14 is proposed to be removed as follows:

§ 2.14 [Advertising] ► Reserved. ◄

[(a) The use of display advertising, circulars, letters, cards, and similar material to solicit trademark business, directly or indirectly, is forbidden as unprofessional conduct, and any person engaging in such solicitation, or

associated with or employed by others who so solicit, shall be refused recognition to practice before the Patent and Trademark Office or suspended or excluded from further practice.

(b) The use of simple professional letterheads, calling cards, or office signs; simple announcements necessitated by opening an office, change of associations, or change of address, distributed to clients and friends, and insertion of professional cards, listings in common form (not display) in a classified telephone or city directory, and listings and professional cards with biographical data in standard professional directories are not prohibited.

(c) No person not an attorney, solicitor or lawyer shall, in any material specified in paragraph (b) of this section or in papers filed in the Patent and Trademark Office represent himself to be an attorney, solicitor or lawyer.]

35. Section 2.16 is proposed to be revised to read as follows:

§ 2.16 Suspension or exclusion from practice.

The Commissioner of Patents and Trademarks may, after notice and opportunity for a hearing, suspend or exclude, either generally or in any particular case, from further practice before the Patent and Trademark Office, any person, attorney, or agent shown to be incompetent or disreputable, or guilty of unethical or unprofessional conduct or gross misconduct, or who refuses to comply with the rules and regulations as provided in §§ 1.349, 1.361 and otherwise in part 1 or this part. [or who shall, with intent to defraud in any manner, deceive, mislead, or threaten any applicant or prospective applicant or other person having immediate or prospective business before the Patent and Trademark Office by word, circular, letter, or in any other manner.] The reasons for any such suspension or exclusion shall be duly recorded. Proceedings for suspension.

[disbarment] or exclusion from practice are conducted as provided in §§ 1.362-1.383. [§ 1.348. (See 35 U.S.C. 1958, sec. 32 for review of the Commissioner's action by the United States District Court for the District of Columbia.)]

Dated: July 15, 1983.

Gerald J. Mossinghoff

Commissioner of Patents and Trademarks.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 3E2828, 3E2838/P303; PH-FRL 2402-4]

Certain Pesticide Chemicals; Proposed Tolerances

Correction

In FR Doc. 83-19720 beginning on page 34078 in the issue of Wednesday, July 27, 1983 make the following corrections:

1. On page 34078, column two, paragraph five, line four from the bottom, "(<0.005 ppm)" should read "(>0.005 ppm)".

2. On page 34079, column one, amendatory language "1. Therefore, it is proposed that 40 CFR, Chapter I, be amended as follows:" should be removed.

BILLING CODE 1505-01-M

COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Parts 1502 and 1508

Proposed Guidance Memorandum for Federal Agency NEPA Liaisons

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

ACTION: Notice of proposed Informational Guidance and Request for Comments.

SUMMARY: The Council on Environmental Quality (CEQ), as part of its oversight of implementation of the National Environmental Policy Act (NEPA), recently issued a memorandum for federal agency heads and NEPA liaisons providing additional guidance and information on the manner in which the federal agencies may employ CEQ's regulations dealing with NEPA (48 Federal Register 34263). The process which produced this memorandum also resulted in the process which produced this memorandum also resulted in the identification of another subject on which additional guidance also appears desirable, namely CEQ's regulations dealing with worst case analysis, 40 CFR 1502.22. Accordingly, the Council proposes to address this subject in a separate memorandum for federal agency NEPA liaisons as set forth below and invites public comment on the nature of the guidance that should be supplied. Comments should be submitted to the Council by October 11, 1983.

DATES: Comments due by October 11, 1983.

ADDRESSES: Send written comments to: General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006.

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

Dated: August 8, 1983.

A. Alan Hill,

Chairman.

Draft Memorandum for Federal Agency NEPA Liaisons

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

To assist federal agencies in complying with NEPA, and as part of the Council's oversight responsibilities, CEQ has provided guidance to federal agencies in the past on the application of its NEPA regulations. On March 23, 1981, CEQ published the Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations. 46 FR 18026. Recently, additional guidance in the form of a Memorandum to Federal Agency Heads and NEPA Liaisons was published, dealing with scoping, categorical exclusions, adoption procedures, contracting provisions, selection of alternatives in licensing and permitting situations and tiering. July 29, 1983, 48 FR 34263. The lengthy and comprehensive process which produced this most recent guidance also resulted in the identification of an additional aspect of the Council's regulations on which further guidance appears desirable, specifically, the provisions of 40 CFR 1502.22 dealing with the requirements of worst case analysis.

In 40 CFR 1502.22, CEQ has prescribed how federal agencies must deal with the obligatory discussion of significant adverse effects in an EIS when the information about these impacts is incomplete or unavailable. It is increasingly apparent that this aspect of the regulation has been subject to a wide variety of conflicting interpretations by both federal agencies and reviewing courts. Equally important, it appears that our existing guidance on the regulation found at question 20 of the Forty Most Asked Questions may not have been sufficiently detailed to provide meaningful guidance on this

important subject. Accordingly, the Council proposes to publish the following additional guidance on worst case analysis.

Worst Case Analysis

Section 150.22 of the CEQ regulations provides federal agencies with the procedures to follow in evaluating significant adverse effects on the human environment in and EIS when there are gaps in relevant information or scientific uncertainty exists about such effects. Recently, the Council has become concerned that the worst case analysis requirements are being read to require federal agencies to conduct such analyses for potential effects that may well be highly remote or unlikely. In particular, the Council is concerned that the guidance provided in our Publication of Memorandum to Agencies Containing Answers to 40 Most Asked Questions of NEPA Regulations, 46 FR 18026 (March 23, 1981), is incomplete with regard to this regulation.

The obligation to prepare a worst case analysis, at bottom is nothing more than the duty to provide information essential to a reasoned choice among alternatives. As described in response to Question 20(b) in our earlier guidance on this subject: "The purpose of the analysis is to carry out NEPA's mandate for full disclosure to the public of the potential consequences of agency decisions, and to cause the agencies to consider these potential consequences when acting on the basis of scientific uncertainties or gaps in available information." (Emphasis added.) Thus, a worst case analysis is required in those circumstances where significant adverse impacts are possible, and scientific uncertainties or gaps in available information exist regarding those impacts. This means that there is an initial threshold of probability which must be crossed before Section 1502.22 comes into play.

That threshold of probability is provided in Section 1508.8, which defines the term "effects" to include those that are both direct and indirect, and are "reasonably foreseeable." Thus, an agency need only examine the reasonably foreseeable effects of its proposed action under any circumstances. Section 1502.22 is applied when an effect of a proposed federal action is reasonably foreseeable and the consequences of that effect cannot be ascertained because of scientific uncertainty or gaps in available knowledge.

Taking the example used in response to Question 20(b) in our earlier guidance, the Council asked: "[I]f there are scientific uncertainty and gaps in the

available information concerning the number of juvenile fish that would be entrained in a cooling water facility, the responsible federal agency must disclose and consider the possibility of the loss of the commercial or sport fishery." Such an exercise must rest on a clearly established presumption that the entrainment of juvenile fish is reasonably foreseeable. The NEPA decisionmaking process would not be aided by such a worst case analysis if, at its conclusion, it were found that juvenile fish are not likely to become entrained in the cooling water facility. Thus, Section 1502.22 should be understood to contain an initial threshold of reasonably foreseeable impacts or effects which must be established before this provision can be applied.

Put another way, speculative information or potential adverse impacts with an extremely low probability of occurrence could not be considered "essential to a reasoned choice among alternatives," as used in § 1502.22. Consequently, such information or potential impacts would not meet the threshold of "reasonable foreseeability" requiring preparation of a worst case analysis.

[FR Doc. 83-22012 Filed 8-10-83; 8:45 am]

BILLING CODE 3125-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 210

[Docket No. RNE-2; Notice No. 1]

Railroad Noise Emission Compliance Regulations

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to revise FRA's noise enforcement procedures to encompass the railyard noise source standards (40 CFR Part 201) published by the Environmental Protection Agency (EPA) on January 4, 1980 (45 FR 1252). The EPA standards will become effective on January 15, 1984. This action is being taken in compliance with section 17 of the Noise Control Act.

DATE: Comments must be received on or before September 16, 1983. Comments received after that date will be considered to the extent possible without incurring additional expense or delay.

ADDRESS: Written comments should be submitted to the Docket Clerk, Office of

Chief Counsel, FRA, 400 Seventh Street, SW., Washington, D.C. 20590. Comments should identify the docket number and notice number and shall be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Steve Urman, Office of Safety Enforcement, FRA, Washington, D.C. 20590, (202) 426-9178.

SUPPLEMENTARY INFORMATION:

Background

On January 14, 1976, the EPA issued railroad noise emission standards (41 FR 2184) pursuant to the requirements of section 17 of the Noise Control Act of 1972 (Act) (42 U.S.C. 4916). The standards (40 CFR Part 201) established limits on the noise emissions generated by railroad locomotives, under both stationary and moving conditions, and by railroad cars under moving conditions. These standards became effective on December 31, 1976.

Section 17 of the Act also requires the Secretary of Transportation to promulgate regulations to ensure compliance with the EPA standards. Responsibility for the development of these regulations has been delegated to the Administrator of the FRA. On August 23, 1977, FRA published a new Part 210 (49 CFR Part 210), Railroad Noise Emission Compliance Regulations (42 FR 42343), to ensure compliance with the noise limits for railroad locomotives and cars.

The Association of American Railroads (AAR), along with several railroads, challenged the EPA standards in Federal court. They contended that Congress intended a broader range of noise regulation that would preempt varying or inconsistent State or local requirements. The U.S. Court of Appeals for the District of Columbia Circuit accepted this argument and ordered EPA to broaden the scope of its railroad noise regulations. *Association of American Railroads v. Costle*, 562 F.2d 1310 (1977). As a result, on January 4, 1980, EPA issued revised railroad noise emission standards (45 FR 1252), that set limits on noise from four additional rail related sources: active retarders, load cell test stands, car coupling operations, and switcher locomotives. This notice sets forth the procedures by which the FRA proposes to assure compliance with these additional noise emission standards.

Section-by-Section Analysis

Section 210.1 Scope of part

This section, which sets forth the scope of Part 210, is identical to current § 210.1. No revision is necessary.

because it references 40 CFR Part 201, which contains both the original and the recently expanded noise standards.

Section 210.3 Applicability

This section establishes the applicability of the noise compliance rules. It is identical with current § 210.3 with two exceptions. First, paragraph (a) would be revised to include additional noise sources—active retarders, switcher locomotives, car coupling operations, and load cell test stands. Second, paragraph (b) would be revised to include inert retarders in the list of areas not subject to the provisions of the part. Inert retarders are not covered by the EPA standards.

Section 210.5 Definitions

This section would be revised by removing the numbering of the terms defined in paragraph (c) and, in lieu, alphabetizing them. A new term, "inert retarders," would be added. As provided in § 210.3(b)(6), inert retarders would not be covered by Part 210. The term "railroad equipment" would be added; it would include rail cars, locomotives, active retarders and load cell test stands, thus covering the equipment-related noise sources in the revised regulation in 40 CFR Part 201.

The definitions of several terms in the current rule would be revised. First, the definition of "inspector" would no longer include State and local noise compliance inspectors. This change is necessary since State and local noise compliance inspectors are not covered by the compliance regulations in Part 210. Second, the definition of "noise defective" would be revised by substituting the words "railroad equipment" for the phrase "a locomotive, railroad car or consist of a locomotive and rail cars."

Section 210.7 Responsibility for noise defective railroad equipment

The current § 210.7 would be revised in several ways. First, the language that a railroad "knows or has notice" that railroad equipment is noise defective would be eliminated. The "knows or has notice" standard was included in the current rule because the Act (section 11) required, at the time § 210.7 was issued, that a person must "willfully or knowingly" violate the statute before enforcement action may be taken. Section 11 of the Act was amended by the Quiet Communities Act of 1978 (Pub. L. 95-609, 92 Stat. 3079) to provide civil penalties in addition to the criminal sanctions. The civil penalty provision does not require showing that a violation is willful or knowing.

Second, proposed § 210.7 uses the term "railroad equipment," thus including active retarders and load cell test stands in addition to locomotives and rail cars. This reflects the expanded scope of the revised EPA regulations. Car coupling operations are also expressly included.

Third, consistent with the expanded scope of the section, a new paragraph (c) would provide that a railroad shall modify the car coupling procedure when necessary to bring it within the prescribed noise limits.

Section 210.9 Movement of noise defective locomotive, rail car, or consist of locomotive and rail cars.

Current § 210.9 is identical to proposed § 210.9.

Section 210.11 Waivers.

This section is identical to current § 210.19.

Section 210.17 of the current rule, "State or local enforcement of the Standards—qualified noise compliance inspectors," would be deleted entirely. Although the Act contemplates State or local activity to achieve its goals, that activity does not involve direct enforcement of the Federal standards. Rather, it contemplates the adoption and enforcement of identical State or local regulations encompassing the Federal standards.

Therefore, since State or local noise compliance inspectors do not directly enforce the EPA standards, they are not subject to the FRA noise compliance regulations. However, FRA strongly urges State and local noise compliance inspectors to follow the procedures set forth in Part 210 and the enforcement policy discussed in this notice since they have been structured to ensure compliance with standards without imposing an undue burden on interstate commerce.

Section 210.13 Penalty.

Proposed § 210.13 is essentially identical to current § 210.21. The current provision would be revised by deleting the "willfully and knowingly" language. The Quiet Communities Act of 1978 amended section 11 of the Act to provide for civil penalties. The civil penalties authorized in section 11(a)(2) of the Act (and in proposed § 210.13) can be assessed whether or not a violation was willful or knowing. However, to establish a criminal violation of the Act under section 11(a)(1), it must be demonstrated that a person acted "willfully or knowingly."

Section 210.21 Scope of subpart

Proposed § 210.21 is the same as current § 210.23, except that the scope has been broadened to include "railroad equipment or operations" rather than only locomotives and rail cars.

Section 210.23 Authorization

Proposed § 210.23, is essentially identical to current § 210.25, "noise inspection and testing." Paragraph (a) would be revised to authorize an inspector to perform "any noise test prescribed in the Standards" rather than the more limited language in the current rule authorizing a "passby noise emission test." Similarly, paragraph (b) would be revised to use the more inclusive term, "railroad equipment," rather than locomotives and rail cars. Both of these proposed changes simply reflect the broader scope of the revised EPA standards. Paragraph (c) of the section would be reorganized to improve clarity.

Section 210.25 Measurement criteria and procedures

Proposed § 210.25 is identical to current § 210.29, except that paragraph (d) of the current provision would be deleted from the section. Because (d)(1) of the current rule is essentially duplicative of § 210.27 of the current rule, it would be eliminated. (Section 210.27(c) of the current rule is redesignated as § 210.29(b) in the proposed rule.) Paragraph (d)(2) of the current rule would become § 210.29(c) of the proposed rule. No substantive change results from these changes. The net effect is to remove the procedures for measuring locomotive and rail car noise from the general section on "measurement criteria and procedures" (current § 210.29; proposed § 210.25) and to put them in the section for "operations standards (moving locomotives and rail cars)" (current § 210.27; proposed § 210.29).

Section 210.27 New locomotive certification

Proposed 210.27 is identical to current § 210.33.

Section 210.29 Operation standards (moving locomotives and rail cars)

Proposed § 210.29 is essentially identical to current § 210.27. Minor editorial revisions would be made to eliminate superfluous language. In addition, the requirements of current § 210.29(d)(2) would be incorporated into a new paragraph (c).

Section 210.31 Operation standards (stationary locomotives at 30 meters)

Paragraphs (a) through (d) are identical to the current § 210.31. A new paragraph (e) would be added to make clear that locomotives exceeding the noise emission levels prescribed in the EPA noise standards, minus the prescribed tolerance, are in noncompliance.

Section 210.33 Operation standards (switcher locomotives, load cell test stands, car coupling operations, and retarders)

Proposed § 210.33 is new, reflecting the additional source noise standards in the revised EPA noise regulations. The purpose of the section is to identify and reference the substantive requirements in 40 CFR Part 201.

In addition to the changes detailed in the section-by-section analysis, FRA has proposed minor editorial changes that are scattered throughout the part. The proposed changes are not intended to have any substantive effect and they are not individually identified.

Enforcement Policy—Switcher Locomotives

The EPA standards require that the noise emissions from all switcher locomotives in a particular facility be less than prescribed levels measured at 30 meters, under all operating modes. This requirement is deemed to be met unless "receiving property" noise due to switcher locomotives exceeds 65 decibels (dB), when measured in accordance with Subpart C of 40 CFR Part 201. The 65dB receiving property standard is the "trigger" for requiring the 30 meter test of switcher locomotives.

The purpose underlying FRA's enforcement of the noise standards is to reduce the impact of rail operations noise on receiving properties. In some instances, measures other than the 30 meter test approach may more effectively reduce the noise levels at receiving properties; therefore, FRA enforcement efforts will focus on abatement procedures that will achieve a reduction of receiving property noise levels to less than 65 dB.

For example, a parked, idling locomotive, even if equipped with exhaust silencing that meets the stationary locomotive standard (30 meter test), may cause the receiving property standard to be exceeded if located on trackage adjacent to the receiving property. In that case, application of the 30 meter test to other switcher locomotives at the facility may not serve to reduce the receiving

property noise level. On the other hand, operational changes by the railroad could significantly reduce receiving property noise levels. In such a case, FRA would consider retesting after abatement measures have been taken. If the receiving property noise level is below the trigger and the abatement action is adopted, FRA would not make a 30 meter test of the switcher locomotives at the facility.

Public Participation

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should identify the regulatory docket number and the notice number and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Persons desiring receipt of their communications to be acknowledged should attach a stamped pre-addressed postcard to the first page of each communication. Communications received before September 16, 1983, will be considered before final action is taken on the proposed rule. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Regulatory Impact

FRA has determined that this proposed rule is not a "major rule" under the terms of Executive Order 12291 nor a "significant" rule under DOT procedures (44 FR 11034). The proposed rule, which only involves compliance regulations designed to enforce already established substantive standards, does not constitute a major action requiring an environmental assessment. Similarly, there is no discernible impact on small entities. Based on the available information, I certify that this proposal will not have a significant economic impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act.

List of Subjects in 49 CFR Part 210

Railroad safety.

The Proposed Rule

In consideration of the foregoing, FRA proposes to revise 49 CFR Part 210 to read as follows:

PART 210 RAILROAD NOISE EMISSION COMPLIANCE REGULATIONS

Subpart A—General Provisions

Sec.

- 210.1 Scope of part.
- 210.3 Applicability.
- 210.5 Definitions.
- 210.7 Responsibility for noise defective railroad equipment.
- 210.9 Movement of a noise defective locomotive, rail car, or consist of locomotives and rail cars.
- 210.11 Waivers.
- 210.13 Penalty.

Subpart B—Inspection and Testing

- 210.21 Scope of Subpart.
 - 210.23 Authorization.
 - 210.25 Measurement criteria and procedures.
 - 210.27 New locomotive certification.
 - 210.29 Operation standards (moving locomotives and rail cars).
 - 210.31 Operation standards (stationary locomotives at 30 meters).
 - 210.33 Operation standards (switcher locomotives, load cell test stands, car coupling operations, and retarders).
- Table 1. Summary of Noise Standards, 40 CFR Part 201.

Authority: Sec. 17, Pub. L. 92-574, 86 Stat. 1234 (42 U.S.C. 4916); § 1.49(o) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(o).

Subpart A—General Provisions

§ 210.1 Scope of part.

This part prescribes minimum compliance regulations for enforcement of the Railroad Noise Emission Standards established by the Environmental Protection Agency in 40 CFR Part 201.

§ 210.3 Applicability.

(a) Except as provided in paragraph (b) of this section, the provisions of this part apply to the total sound emitted by moving rail cars and locomotives (including the sound produced by refrigeration and air conditioning units that are an integral element of such equipment), active retarders, switcher locomotives, car coupling operations, and load cell test stands, operated by a common carrier as defined in 49 U.S.C. 22, under the conditions described in this part and in 40 CFR Part 201.

(b) The provisions of this part do not apply to—

- (1) Steam locomotives;
- (2) Street, suburban, or interurban electric railways unless operated as a part of the general railroad system of transportation;
- (3) Sound emitted by warning devices, such as horns, whistles, or bells when operated for the purpose of safety;

(4) Special purpose equipment that may be located on or operated from rail cars;

(5) As prescribed in 40 CFR 201.10, the provisions of 40 CFR 201.11 (a) and (b) and (c) do not apply to gas turbine-powered locomotives or any locomotive type that cannot be connected by any standard method to a load cell; or

(6) Inert retarders.

§ 210.5 Definitions.

(a) *Statutory definitions.* All terms in this part and defined in the Noise Control Act of 1972 (42 U.S.C. 4901 *et seq.*) have the definition set forth in that Act.

(b) *Definitions in Standards.* All terms used in this part and defined in § 201.1 of the Railroad Noise Emission Standards, 40 CFR 201.1, have the definition set forth in that section.

(c) *Additional definitions.* As used in this part—*Administrator* means the Federal Railroad Administrator, the Deputy Administrator, or any official of FRA to whom the Administrator has delegated authority to act in the Administrator's stead.

Consist of a locomotive and rail cars means one or more locomotives coupled to a rail car or rail cars.

FRA means the Federal Railroad Administration.

Inert retarder means a device or system for holding a classified cut of cars and preventing it from rolling out the bottom of a railyard.

Inspector means FRA inspectors or specialists.

Noise defective means the condition in which railroad equipment is found to exceed the Railroad Noise Emission Standards, 40 CFR Part 201.

Railroad equipment means rail cars, locomotives, active retarders, and load cell test stands.

Standards means the Railroad Noise Emission Standards, 40 CFR Part 201. (See Table 1 in this part for a listing.)

§ 210.7 Responsibility for noise defective railroad equipment.

Any railroad that uses railroad equipment that is noise defective or engages in a car coupling operation that results in excessive noise according to the criteria established in this part and in the Standards is responsible for compliance with this part. Subject to § 210.9, such railroad shall—

(a) Correct the noise defect;

(b) Remove the noise defective railroad equipment from service; or

(c) Modify the car coupling procedure to bring it within the prescribed noise limits.

§ 210.9 Movement of a noise defective locomotive, rail car, or consist of locomotives and rail cars.

A locomotive, rail car, or consist of a locomotive and rail cars that is noise defective may be moved no farther than the nearest forward facility where the noise defective conditions can be eliminated only after the locomotive, rail car, or consist of a locomotive and rail cars has been inspected and been determined to be safe to move.

§ 210.11 Waivers.

(a) Any person may petition the Administrator for a waiver of compliance with any requirement in this part. A waiver of compliance with any requirement prescribed in the Standards, may not be granted under this provision.

(b) Each petition for a waiver under this section must be filed in the manner and contain information required by 49 CFR Part 211.

(c) If the Administrator finds that a waiver of compliance applied for under paragraph (a) of this section is in the public interest and is consistent with railroad noise abatement and safety, the Administrator may grant a waiver subject to any conditions he deems necessary. Notice of each waiver granted, including a statement of the reasons therefor, will be published in the Federal Register.

§ 210.13 Penalty.

Any person who operates railroad equipment subject to the Standards in violation of any requirement of this part or of the Standards is liable to a penalty as prescribed in section 11 of the Noise Control Act of 1972 (Pub. L. 92-574, 42 U.S.C. 4910), as amended.

Subpart B—Inspection and Testing

§ 210.21 Scope of Subpart.

This subpart prescribes the compliance criteria concerning the requirements for inspection and testing of railroad equipment or operations covered by the Standards.

§ 210.23 Authorization.

(a) An inspector is authorized to perform any noise test prescribed in the Standards and in the procedures of this part at any time, at any appropriate location, and without prior notice to the railroad, for the purpose of determining whether railroad equipment is in compliance with the Standards.

(b)(1) An inspector is authorized to request that railroad equipment together with appropriate railroad personnel be made available for a passby or stationary noise emission test as prescribed in the Standards, and in the

procedures of this part, and to conduct such test, at a reasonable time and location, for the purpose of determining whether the railroad equipment is in compliance with the Standards.

(2) If the railroad has the capability to perform an appropriate noise emission test as prescribed in the Standards, and in the procedures of this part, an inspector is authorized to request the railroad to test railroad equipment. The railroad shall perform the appropriate test as soon as practicable.

(3) The requests referred to in this paragraph will be in writing, will state the grounds upon which the inspector has reason to believe that the railroad equipment does not conform to the Standards, and will be presented to an appropriate operating official of the railroad.

(4) Testing or submission for testing is not required if the cause of the noise defect is readily apparent and the inspector verifies that it is corrected by the replacement or defective components of by instituting a normal maintenance or repair procedure.

(c)(1) An inspector is authorized to inspect or examine a locomotive, rail car, or consist of a locomotive and rail cars operated by a railroad, or to request the railroad to inspect or examine the locomotive, rail car, or consist of a locomotive and rail cars, whenever he has reason to believe that it does not conform to the requirements of the Standards.

(2) An inspector may request a railroad to conduct an inspection or examination of a rail car, or consist of a locomotive and rail cars on the basis of an excessive noise emission level measured by a passby test. If, after such inspection or examination, no mechanical condition that would result in a noise defect can be found, and the inspector verifies that no such mechanical condition exists, the locomotive, rail car, or consist of a locomotive and rail cars may be continued in service.

(3) The request referred to in this paragraph will be in writing, will state the ground upon which the inspector has reason to believe that the locomotive, rail car, or consist of a locomotive and rail cars does not conform to the Standards, and will be presented to an appropriate operating official of the railroad.

(4) The inspection or examination referred to in this paragraph may be conducted only at recognized inspection points or scheduled stopping points.

§ 210.25 Measurement criteria and procedures.

The parameters and procedures for the measurement of the noise emission levels are prescribed in the Standards.

(a) Quantities measured are defined in § 201.21 of the Standards.

(b) Requirements for measurement instrumentation are prescribed in § 201.22 of the Standards. In addition, the following calibration procedures shall be used:

(1)(i) The sound level measurement system including the microphone shall be calibrated and appropriately adjusted at one or more nominal frequencies in the range from 250 through 1000 Hz at the beginning of each series of measurements, at intervals not exceeding 1 (one) hour during continual use, and immediately following a measurement indicating a violation.

(ii) The sound level measurement system shall be checked not less than once each year by its manufacturer, a representative of its manufacturer, or a person of equivalent special competence to verify that its accuracy meets the manufacturer's design criteria.

(2) An acoustical calibrator of the microphone coupler type designed for the sound level measurement system in use shall be used to calibrate the sound level measurement system in accordance with paragraph (b)(1)(i) of this section. The calibration must meet or exceed the accuracy requirements specified in section 5.4.1 of the American National Standard Institute Standards, "Method for Measurement of Sound Pressure Levels," (ANSI S1.13-1971) for field method measurements.

(c) Acoustical environment, weather conditions, and background noise requirements are prescribed in § 201.23 of the Standards. In addition, measurement tolerances not to exceed 2dB (A) for a given measurement will be allowed to take into account the effects of the factors listed below and the interpretations of these effects by enforcement personnel:

(1) The common practice of reporting field sound level measurements to the nearest whole decibel;

(2) Variations resulting from commercial instrument tolerances;

(3) Variations resulting from the topography of the noise measurement site;

(4) Variations resulting from atmospheric conditions such as wind, ambient temperature, and atmospheric pressure; and

(5) Variations resulting from reflected sound from small objects allowed within the test site.

§ 210.27 New locomotive certification.

(a) A railroad shall not operate a locomotive built after December 31, 1979, unless the locomotive has been certified to be in compliance with the Standards.

(b) The certification prescribed in this section shall be determined for each locomotive model, by either—

(1) Load cell testing in accordance with the criteria prescribed in the Standards; or

(2) Passby testing in accordance with the criteria prescribed in the Standards.

(c) If passby testing is used under paragraph (b)(2) of this section, it shall be conducted with the locomotive operating at maximum rated horsepower output.

(d) Each new locomotive certified under this section shall be identified by a permanent badge or tag attached in the cab of the locomotive near the location of the inspection Form F 6180.49. The badge or tag shall state:

(1) Whether a load cell or passby test was used;

(2) The date and location of the test; and

(3) The A-weighted sound level reading in decibels obtained during the passby test, or the readings obtained at idle throttle setting and maximum throttle setting during a load cell test.

§ 210.29 Operation standards (moving locomotives and rail cars).

The operation standards for the noise emission levels of moving locomotives, rail cars, or consists of locomotives and rail cars are prescribed in the Standards and duplicated in Table 1.

(a) Measurements for compliance shall be made in compliance with the provisions of subpart C of the Standards and the following:

(1) Consists of locomotives containing at least one locomotive unit manufactured prior to December 31, 1979, shall be evaluated for compliance in accordance with § 201.12(a) of the Standards, unless a locomotive within the consist is separated by at least 10 rail car lengths or 500 feet from other locomotives in the consist, in which case such separated locomotives may be evaluated for compliance according to their respective built dates.

(2) Consists of locomotives composed entirely of locomotive units manufactured after December 31, 1979, shall be evaluated for compliance in accordance with § 201.12(b) of the Standards.

(3) If the inspector cannot establish the built dates of all locomotives in a consist of locomotives measured under

moving conditions, evaluation for compliance shall be made in accordance with 201.12(a) of the Standards.

(b) Noise emission standards for rail cars operating under moving conditions are contained in 201.13 of the Standards and are stated in Table 1. If speed measurement equipment used by the inspector at the time of the measurement is not operating within an accuracy of 5 miles per hour, evaluation for compliance shall be made in accordance with 201.13(2) of the Standards.

(c) Locomotives and rail cars tested pursuant to the procedures prescribed in this part and in the Standards shall be considered in noncompliance whenever the test measurement, minus the appropriate tolerance § 210.25), exceeds the noise emission levels prescribed in Table 1.

§ 210.31 Operation standards (stationary locomotives at 30 meters).

(a) For stationary locomotives at load cells:

(1) Each noise emission test shall begin after the engine of the locomotive has attained the normal cooling water operating temperature as prescribed by the locomotive manufacturer.

(2) Noise emission testing in idle or maximum throttle setting shall start after a 40 second stabilization period in the throttle setting selected for the test.

(3) After the stabilization period as prescribed in paragraph (a)(2) of this section, the A-weighted sound level reading in decibels shall be observed for an additional 30-second period in the throttle setting selected for the test.

(4) The maximum A-weighted sound level reading in decibels that is observed during the 30-second period of time prescribed in paragraph (a)(3) of this section shall be used for compliance purposes.

(b) The following data determined by any locomotive noise emission test conducted after December 31, 1976, shall be recorded in the "Remarks" section on the reverse side of Form F 6180.49:

(1) Location of test;

(2) Type of test;

(3) Date and location of the test; and

(4) The A-weighted sound level reading in decibels obtained during the passby test, or the readings obtained at idle throttle setting and maximum throttle setting during a load cell test.

(c) Any locomotive subject to this part that is found not to be in compliance with the Standards as a result of a passby test shall be subjected to a load cell test or another passby test prior to

return to service, except that no such retest shall be required if the cause of the noise defect is readily apparent and is corrected by the replacement of defective components or by a normal maintenance or repair procedure.

(d) The last entry recorded on Form F 6180.49 as required in paragraph (b) of this section shall be transcribed to a

new Form FRA F 6180.49 when it is posted in the locomotive cab.

(e) Locomotives tested pursuant to the procedures prescribed in this part and in the Standards shall be considered in noncompliance wherever the test measurement, minus the appropriate tolerance § 210.25), exceeds the noise emission levels prescribed in Table 1.

§ 210.33 Operation standards (switcher locomotives, load cell test stands, car coupling operations, and retarders).

Measurement on receiving property of the noise emission levels from switcher locomotives, load cell test stands, car coupling operations, and retarders shall be performed in accordance with the requirements of 40 CFR Part 201 and § 201.25 of this part.

TABLE 1. SUMMARY OF NOISE STANDARDS, 40 CFR PART 201

Paragraph and section	Noise source	Noise standard-A-weighted sound level in dB	Noise Measure ¹	Measurement location
201.11(a)	<i>All Locomotives Manufactured on or Before 31 December 1979</i>			
201.11(a)	Stationary, Idle Throttle setting	73	L_{max} (slow)	30 m (100 ft)
201.11(a)	Stationary, All Other Throttle Settings	93	do	Do.
201.12(a)	Moving	96	L_{max} (fast)	Do.
201.11(b)	<i>All Locomotives Manufactured After 31 December 1979</i>			
201.11(b)	Stationary, Idle Throttle Setting	70	L_{max} (slow)	Do.
201.11(b)	Stationary, All Other Throttle Settings	87	do	Do.
201.12(b)	Moving	90	L_{max} (fast)	Do.
201.11(c) and 201.12(c)	<i>Additional Requirement for Switcher Locomotives Manufactured on or Before 31 December 1979 Operating in Yards Where Stationary Switcher and other Locomotive Noise Exceeds the Receiving Property Limit of.</i>	65	L_{eq} (fast) ²	Receiving Property.
201.11(c)	Stationary, Idle Throttle Setting	70	L_{max} (slow)	30 m (100 ft)
201.11(c)	Stationary, All Other Throttle Settings	87	do	Do.
201.12(c)	Moving	90	L_{max} (fast)	Do.
201.13(1)	<i>Rail Cars</i>			
201.13(2)	Moving at Speeds of 45 mph or Less	88	do	Do.
201.13(2)	Moving at Speeds Greater than 45 mph	93	do	Do.
201.14	<i>Other Yard Equipment and Facilities</i>			
201.14	Retarders	83	$L_{adj \ max}$ (fast)	Receiving Property.
201.15	Car-Coupling Operations	92	do	Do.
201.16	<i>Locomotive Load Cell Test Stands, Where the Noise from Locomotive Load Cell Operation Exceeds the Receiving Property Limits of.</i>	65	L_{eq} (fast) ²	Do.
201.16(a)	Primary Standard	78	L_{max} (slow)	30 m (100 ft)
201.16(b)	Secondary Standard if 30-m Measures Not Feasible	85	L_{eq} (fast)	Receiving Property located more than 120 m from Load Cell.

¹ L_{max} = Maximum sound level; L_{eq} = Statistical sound level exceeded 90% of the time; $L_{adj \ max}$ = Adjusted average maximum sound level.

² L_{eq} must be validated by determining that $L_{10}-L_{50}$ is less than or equal to 4dB.

(Sec. 17, Pub. L. 92-574, 86 Stat. 1234 (42 U.S.C. 4916); § 1.49(o) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(o))

Issued in Washington, D.C. on August 4, 1983.

Thomas A. Till,
Deputy Administrator.

[FR Doc. 83-21711 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-06-M

49 CFR Part 218

[FRA Docket No. RSOR-6, Notice No. 2]

Control of Alcohol and Drug Use in Railroad Operations; Announcement of Change in Hearing Schedule

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Announcement of additional date for public hearing on advance notice of proposed rulemaking and other minor administrative and procedural changes.

SUMMARY: FRA announces that the public hearing scheduled for September 1, 1983, in Washington, D.C., regarding

control of alcohol and drug use in railroad operations, will be extended for an additional day (through September 2, 1983) in order to assure adequate time for presentation of information and views by interested persons. In addition, FRA requests that written comments be submitted in triplicate, announces a change in the location of the FRA docket facility, and provides additional information on the oral hearing procedure.

DATES: The public hearing previously announced for Thursday, September 1, 1983, will be convened at 10:00 a.m. on that date and reconvened at 9:00 a.m. on Friday, September 2, 1983. Requests to receive special consideration with respect to the date or time of appearance must be made by telephone not later than August 29, 1983.

ADDRESSES: (1) Three copies of written comments should be submitted to the Docket Clerk, Office of Chief Counsel (RCC-1), Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. The Docket Clerk's office has been moved from its previous location in the Nassif Building

(400 Seventh Street, SW., Washington, D.C.) to Room 5101 of the same building.

(2) The public hearing of September 1-2, 1983, will be held in Room 2230, Nassif Building, 400 Seventh Street, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Walter Rockey, Special Assistant to the Associate Administrator for Safety, FRA, Washington, D.C. 20590. Telephone: 202-426-0895.

SUPPLEMENTARY INFORMATION: FRA announces the following changes in connection with the Advance Notice of Proposed Rulemaking on the subject of alcohol and drug use by employees engaged in railroad operations, which was published in the *Federal Register* of July 5, 1983 (48 FR 30723) (Notice No. 1):

(1) The hearing of September 1, 1983, will be extended for an additional day, through September 2, 1983. FRA wishes to emphasize that this is an expansion of the hearing schedule not a postponement of the hearing date. The hearing will be convened promptly at 10:00 a.m. on September 1, 1983, in Room 2230 of the Nassif Building (DOT Headquarters), continuing until recessed

by the chair. The hearing will be reconvened at 9:00 a.m. on September 2, 1983, in the same hearing room.

The reason for the expansion of the hearing is to assure adequate time to hear all witnesses and develop the full range of information needed by FRA to address the subject matter of this rulemaking. Since issuance of the advance notice, FRA has conducted public hearings in the following cities: Atlanta, Georgia; Kansas City, Missouri; and Sacramento, California. The experience of those hearings indicates that participation in the final hearing scheduled for September 1, 1983, in Washington, D.C., will be more extensive than was initially anticipated. Preliminary information on expected appearances, particularly by railroad witnesses, tends to confirm that indication. Providing for an additional day of testimony will afford all interested parties an opportunity to present information and views.

To assist FRA in scheduling presentations at the hearing, any individual or organization that desires to present testimony is requested to notify FRA prior to the hearing, providing the

name and title of the person expected to testify, the organization represented, the estimated time required for the presentation, and an indication of which hearing date is preferred. Any witness desiring special consideration with respect to the hearing day or time that the witness will appear should contact Mr. Walter Rockey by telephone (202-426-0895) not later than August 29, 1983. To the extent feasible, FRA will endeavor to accommodate such requests.

(2) The office of the Docket Clerk has been moved from its former location to Room 5101 (still in the Nassif Building, 400 Seventh St., SW., Washington, D.C.).

(3) FRA requests that parties submitting written comments to the docket provide three (3) copies of each submission to facilitate filing and prompt review. In addition, FRA requests that any witness who intends to use a prepared statement at the public hearing provide seven (7) copies of the statement to the Docket Clerk (if submitted prior to the hearing) or the hearing officer (if submitted on the date of the hearing).

Issued in Washington, D.C. on August 4, 1983.

Thomas A. Till,
Deputy Administrator.

[FR Doc. 83-21702 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-08-M

National Highway Transportation Traffic Safety Administration

49 CFR Part 571

[Docket No. 83-12; Notice 1]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

Correction

In FR Doc. 83-20532, beginning on page 34784 of the issue of Monday, August 1, 1983, the second sentence of the "DATES" paragraph on that page, now reading "Proposed effective date: August 1, 1983.", should have read "Proposed effective date: Date of publication of the final rule in the Federal Register."

BILLING CODE 1505-01-M

Notices

Federal Register

Vol. 48, No. 156

Thursday, August 11, 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.

ACTION

Young Volunteers In ACTION Program; Availability of Funds

AGENCY: ACTION.

ACTION: Notice of availability of funds; Young Volunteers in ACTION Program.

The Division of VISTA/Service-Learning Programs, ACTION, announces the availability of funds for fiscal year 1983 for grants under the Young Volunteers in ACTION (YVA) program authorized by the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93-113, Title I, Part B, 42 U.S.C. 4992).

Subject to the availability of fiscal year 1983 funding, approximately \$200,000 will be available for new YVA grants averaging \$20,000 in size. New grants will be awarded according to the criteria, guidelines, and procedures set forth in the Final Notice of Young Volunteers in ACTION (YVA) Guidelines as published in the Federal Register August 12, 1982 (47 FR 35021).

Areas of particular interest to ACTION/YVA include projects dealing with: Latchkey children, disabled persons, Native Americans, migrant farmworkers, delinquency/crime prevention, substance abuse, Head Start/day care activities, as well as those of general focus as outlined in the Guidelines.

Publication of this announcement does not obligate ACTION to award any specific number of grants, or to obligate the entire amount of funds available, or any part thereof, for grants under the Young Volunteers in ACTION program.

Application kits are available from ACTION State Office. One completed application form, with original signature, must be received in the appropriate ACTION State Office, two completed copies in the ACTION Regional Office, no later than 5:00 PM local standard time on August 29, 1983. Each office must receive an identical application

submission. Any applications received after that date will not be considered for Fiscal Year 1983 funding.

Following is an address list of ACTION Regional Offices, along with the addresses of ACTION State Offices under their jurisdiction:

Regional I
ACTION Regional Office, 441 Stuart Street, 9th Floor, Boston, MA 02116.

ACTION State Office, 441 Stuart Street, Boston, MA 02116, (617) 223-0590.

ACTION State Office, Abraham Ribicoff Federal Bldg., Room 524, 450 Main Street, Hartford, CT 06103, (203) 244-2303.

ACTION State Office, Federal Building, 66 Pearl Street, Room 210, Portland, ME 04101, (207) 780-3414.

(For New Hampshire and Vermont).

ACTION State Office, Federal Building, 55 Pleasant Street, Room 316, Concord, NH 03301, (603) 225-6348.

ACTION State Office, U.S. Customs Building, Room 200, 24 Weybossett Street, Providence, RI 02903, (401) 528-4326.

Region II
ACTION Regional Office, Jacob K. Javits Federal Building, Federal Plaza, 6th Floor, Suite 1611, New York, NY 10278, (212) 264-4719, (Metro New York)

(Upstate New York)—ACTION State Office, U.S. Courthouse and Federal Building, Room 103, 445 Broadway, Albany, NY 12207, (518) 472-3664.

ACTION State Office, Jacob K. Javits Federal Building, Room 1611, 26 Federal Plaza, New York, NY 10278, (212) 264-5720.

ACTION State Office, 143 East State Street, Room 506, Broad Street Bank Bldg., Trenton, NJ 08606, (609) 989-2243.

ACTION State Office, Frederico Galau Federal Office Building, Suite 682, Carlos Chardon Avenue, Hato Rey, PR 00906, (809) 753-4189.

Region III
ACTION Regional Office, U.S. Customs House, 2d and Chestnut Street, Room 108, Philadelphia, PA 19106, (215) 597-8972.

ACTION State Office, U.S. Customs House, 2d and Chestnut Streets, Room 108, Philadelphia, PA 19106, (215) 597-3543.

(For Maryland and Delaware).

ACTION State Office, Federal Building, 31 Hopkins Plaza, Room 1015, Baltimore, MD 21201, (301) 962-4443.

ACTION State Office, State Capitol, Room MB-31, Charleston, WV 25301, (304) 343-5248.

ACTION State Office, Federal Building, Room 120, 85 Marconi Blvd., Columbus, OH 43215, (614) 468-7441.

(For Virginia and the District of Columbia).

ACTION State Office, 400 North 8th Street, P.O. Box 10066, Richmond, VA 23240, (804) 771-2197

ACTION State Office, Federal Building, 600 Federal Plaza, Room 372-D, Louisville, KY 40202, (502) 582-6384.

Region IV
ACTION Regional Office, 101 Marietta Street NW., Atlanta, GA 30303, (404) 221-2859.

ACTION State Office, 2121 8th Avenue North, Room 1022, Birmingham, AL 35203, (205) 254-1908.

ACTION State Office, 75 Piedmont Avenue, Suite 960, Atlanta, GA 30303, (404) 221-4646.

ACTION State Office, Federal Building, Room 1005-A, 100 West Capital Street, Jackson, MS 39201, (601) 960-4462.

ACTION State Office, Federal Building, 1835 Assembly Street, Room 572, Columbia, SC 29201, (803) 785-5771.

ACTION State Office, 930 Woodcock Road, Suite 221, Orlando, FL 32803, (305) 420-6117.

ACTION State Office, BSR Building, 316 East Morehead St., Room 402, Charlotte, NC 28202, (704) 371-8121.

ACTION State Office, Federal Building, U.S. Courthouse, 801 Broadway, Room 246, Nashville, TN 37203, (615) 251-5661.

Region V
ACTION Regional Office, 10 West Jackson Blvd., Chicago, IL 60604, (312) 353-5107.

ACTION State Office, 10 West Jackson Blvd., Chicago, IL 60604, (312) 353-6238.

ACTION State Office, 46 East Ohio Street, Room 457, Indianapolis, IN 46204, (317) 269-6724.

ACTION State Office, Federal Building, Room 616, 231 West Lafayette Blvd., Detroit, MI 48226, (313) 226-7849.

ACTION State Office, Old Federal Building, Room 158, 212 3rd Avenue South, Minneapolis, MN 55401, (612) 787-3630.

ACTION State Office, 517 East Wisconsin Ave., Room 617, Milwaukee, WI 53202, (414) 291-1116.

ACTION State Office, 950 Office Park Road, Suite 220, W. Des Moines, IA 50265, (515) 284-4817.

Region VI
ACTION Regional Office, Old Main Post Office, P.O. Box 370, Bryan & Ervey Streets, Dallas, TX 75221, (214) 767-9494.

ACTION State Office, Federal Bldg., Rm 2506, 700 West Capitol Street, Little Rock, AR 72201, (501) 378-5234.

ACTION State Office, Federal Building, Cathedral Place, Room 126, Santa Fe, NM 87501, (505) 868-6577.

ACTION State Office, 611 E. 6th St., Suite 107, Austin, TX 78701, (512) 397-5671.

ACTION State Office, Federal Office Building, 911 Walnut, Room 1701, Kansas City, MO 64108, (816) 374-5256.

ACTION State Office, 1 American Plaza, Suite 1911, Baton Rouge, LA 70825, (504) 389-0471.

ACTION State Office, Magnolia Petroleum Bldg., 722 North Broadway, Oklahoma City, OK 73102, (405) 231-5201.

ACTION State Office, Federal Building, Rm 350, 444 S. E. Quincy, Topeka, KS 66603, (913) 295-2540.

Region VII (No Region VI)
ACTION Regional Office, Columbine Building, Room 201, 1845 Sherman Street, Denver, CO 80203, (303) 637-2673.

ACTION State Office, Columbine Building, Room 301, 1845 Sherman Street, Denver, CO 80203, (303) 837-4004.

ACTION State Office, Federal Building, Rm 8036, 2120 Capitol Avenue, Cheyenne, WY 82001, (307) 772-2385.

ACTION State Office, Federal Building, Rm 213, 225 S. Pierre Street, Pierre, SD 57501, (605) 224-5906.

ACTION State Office, Federal Office Building, 301 South Park, Rm 192, Helena, MT 59601, (406) 449-5404.

ACTION State Office, U.S. Post Office & Courthouse, Suite 107, 350 South Main Street, Salt Lake City, UT 84101, (801) 524-5411.

ACTION State Office, 100 Centennial Mall North, Room 293, Lincoln, NE 68508, (402) 471-5493.

ACTION State Office, 522 North Central St. Room 205-A, Phoenix, AZ 85004, (602) 261-4825.

Region IX

ACTION Regional Office, 211 Main Street, Room 533, San Francisco, CA 94105, (415) 974-0673.

ACTION State Office, Federal Building, P.O. Box 50024, Honolulu, HI 96850, (808) 546-8925.

ACTION State Office Federal Building, Room 14218, 11000 Wilshire Boulevard, Los Angeles, CA 90024, (213) 209-7421.

ACTION State Office, 1050 E. William, Suite 407, Carson City, NV 89701, (702) 784-5314.

Region X

ACTION Regional Office, 1111 3rd Avenue, Suite 330, Seattle, WA 98101, (206) 44-4520.

ACTION State Office, Owyhee Plaza, Suite 260, 1109 Main Street, Boise, ID 83701, (208) 384-1707.

ACTION State Office, 1111 3rd Ave., Suite 330, Seattle, WA 98101, (206) 442-1559.

ACTION State Office, Suite 931, Terminal Sales Building, Portland, OR 97205, (503) 221-2261.

ACTION State Office, 1111 3rd Ave., Suite 330, Seattle, WA 98101, (206) 442-4975.

(42 U.S.C. 4971; 4974; 5042 [14])

Dated in Washington, D.C. on August 5, 1983.

Thomas W. Pauken,
Director, ACTION.

[FR Doc. 83-21841 Filed 8-10-83; 8:46 am]

BILLING CODE 6050-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Inyo National Forest Grazing Advisory Board; Meeting

The Inyo National Forest Grazing Advisory Board will meet at 10 a.m. on September 13, 1983, in the Inyo National Forest Conference Room in Bishop, California. The purpose of the meeting is:

- FY 83 and 84 Range Management Budgets
- Report on FY 83 Range Management Accomplishments
- Grazing Advisory Board recommendations
- Establishment of sub-committees
- Establish next meeting date.

The meeting will be open to the public. Persons who wish to attend may

notify Inyo National Forest—telephone (619) 873-5841. Written statements may be filed with the committee before or after the meeting. Members of the public wishing to speak at the meeting will be recognized by the committee chairman at the appropriate time.

Dated: August 2, 1983.

Eugene E. Murphy,
Forest Supervisor.

[FR Doc. 83-21890 Filed 8-10-83; 8:45 am]

BILLING CODE 3410-11-M

Revised Notice of Intent To Prepare an Environmental Impact Statement; Caribou National Forest Land and Resource Management Plan, Idaho

This Notice revises a previously issued Federal Register Notice of Intent dated February 14, 1980, page 2672.

This Notice is being issued because 36 CFR 219.17 Regulations are being revised to allow the reevaluation of roadless areas during the Forest planning process. Public participation in the reevaluation permits data collection and analysis activities to proceed pending release of the final regulations.

The results of the reevaluation of roadless areas will be included in the EIS and Caribou National Forest Land and Resource Management Plan.

Detailed information on the roadless areas and the reevaluation process will be available to individuals and organizations requesting the information.

In addition, public open houses are scheduled as follows:

- * Monday, September 19—Malad Ranger District Office, 75 So. 140 E., Malad, Idaho. Time: 2 p.m. to 8 p.m.
- * Tuesday, September 20—Montpelier Ranger District Office, 431 Clay, Montpelier, Idaho. Time: 2 p.m. to 8 p.m.
- * Wednesday, September 21—Soda Springs Ranger District Office, 421 W. 2nd So., Soda Springs, Idaho. Time: 2 p.m. to 8 p.m.
- * Thursday, September 22—Pocatello Ranger District Office, Federal Building, 250 So. 4th Ave., Pocatello, Idaho. Time: 2 p.m. to 8 p.m.

The purpose of the open houses will be to validate existing data and receive comments to help establish a broad range of management alternatives for the identified roadless areas.

During the reevaluation process, current management and protection policies and activities in the roadless areas will be continued. Wilderness values will be protected in areas recommended in RARE II for Wilderness, and management for other

uses will continue in areas recommended for non-Wilderness.

The filing of the Draft Environmental Impact Statement for the Caribou National Forest Land and Resource Management Plan with the Environmental Protection Agency is expected in late 1983. The proposed release for the Final Environmental Impact Statement and Plan is scheduled for summer of 1984.

J. S. Tixier, Regional Forester, Intermountain Region, Forest Service, USDA, is the responsible official who will approve the Forest Plan. Charles J. Hendricks, Forest Supervisor, is responsible for the preparation of the Plan.

Comments or requests regarding this revised Notice of Intent or the planning process should be addressed to: Larry B. Call, Forest Planner, Caribou National Forest, Federal Building, Suite 294, 250 So. 4th Ave., Pocatello, Idaho 83201, Phone: (208) 236-6744.

Dated: August 4, 1983.

T. A. Roederer,

Deputy Regional Forester.

[FR Doc. 83-21894 Filed 8-10-83; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

Announcement of Proposed Collection of Information Under the Provisions of the Paperwork Reduction Act (44 U.S.C. 35)

Agency clearance officer from whom a copy of the collection of information and supporting documents is available: Robin A. Caldwell, (202) 673-5922

Revision

Title of the Collection of Information: CAB Form 298-C, "Report of Scheduled Passenger Operations of Commuter Carriers".

Agency Form Number: CAB Form 298-C.

How often the Collection of Information must be filed: Quarterly.

Who is asked or required to report: Small Certificated and Commuter Air Carriers.

Estimate of number of annual responses: 2,304.

Estimate of number of annual hours needed to complete the collection of information: 5,528.

Dated: August 4, 1983

M. Clay Moritz, Jr.,

*Acting Chief, Data Requirements Section,
Information Management Division, Office of
Comptroller.*

[FR Doc. 83-21939 Filed 8-10-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41329]

Interamerica Airlines Fitness Investigation; Order Cancelling Hearing

On August 1, 1983, Interamerica Airlines Inc., filed a motion for leave to withdraw its applications in Dockets 41213 and 41214 and to withdraw from the above-titled proceeding (Docket 41329).

Pending disposition of the motion the Hearing in this proceeding set for August 9, 1983 (48 FR 33925, July 26, 1983) is cancelled.

Dated at Washington, D.C., August 5, 1983.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 83-21935 Filed 8-10-83; 8:45 am]

BILLING CODE 6320-01-M

Application of Midwest Express Airlines, Inc., for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order instituting the *Midwest Express Airlines, Inc. Fitness Investigation*, 83-8-18, Docket 41353.

SUMMARY: The Board is instituting an investigation to determine the fitness of Midwest Express Airlines to engage in scheduled interstate and overseas air transportation of persons, property and mail.

DATES: Persons wishing to intervene in the *Midwest Express Airlines, Inc. Fitness Investigation* shall file their petitions in Docket 41453 by August 19, 1983.

ADDRESSES: Petitions to intervene should be filed in Docket 41453, and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Midwest Express Airlines, Inc., the Department of Transportation, the Department of Justice, the Federal Aviation Administration and on any other person filing petitions.

FOR FURTHER INFORMATION CONTACT: Steven B. Farbman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-8-18 is available from our Distribution Section, Room 100, 1825 Connecticut Ave., N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-8-18 to that address.

By the Bureau of Domestic Aviation:
August 4, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-21936 Filed 8-10-83; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Oklahoma Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Oklahoma Advisory Committee to the Commission will convene at 2:00p and will end at 6:00p, on September 7, 1983, at the Quality Inn Central, 112 North Eastern Avenue, Oklahoma City, Oklahoma. The purpose of the meeting is to orient new members to the Advisory Committee and to consider plans for FY 84.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Earl D. Mitchell, 3 Summit Circle, Stillwater, Oklahoma 74074 (405) 624-6212; or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio, Texas 78204 (512) 730-5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 8, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-21914 Filed 8-10-83; 8:45 am]

BILLING CODE 6335-01-M

Texas Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Education Subcommittee of the Texas Advisory Committee to the Commission will convene at 9:30a and will end at 2:00p, on September 7, 1983, at the Executive Inn-Best Western Motel, Conference Room 10, 3232 W. Mockingbird Lane, Dallas, Texas. The purpose of the meeting is to consider plans for FY 84.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Denzer Burke, 1421 Pine Street, Texarkana, Texas 75501 (214) 794-9741; or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio, Texas 78204 (512) 730-5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 8, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-21915 Filed 8-10-83; 8:45 am]

BILLING CODE 6335-01-M

Texas Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Immigration Subcommittee of the Texas Advisory Committee to the Commission will convene at 10:00a and will end at 2:00p, on September 2, 1983, at the U.S. Commission on Civil Rights, Southwestern Regional Office, Conference Room, 418 South Main, San Antonio, Texas. The purpose of the meeting is to consider program plans for fiscal year 1984.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Denzer Burke, 1421 Pine Street, Texarkana, Texas 75501, (214) 794-9741; or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio, Texas 78204, (512) 730-5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 8, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 21916 Filed 8-10-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Organization Order 10-5]

Department Organization Order; Assistant Secretary for Administration

Effective Date: July 1, 1983.

Subject: This order effective July 1, 1983 supersedes the material appearing at 45 FR 75254 of November 14, 1980.

Section 1. Purpose. .01 This Order prescribes the scope of authority and functions of the Assistant Secretary for Administration, and provides for the organizational structure of the Assistant Secretary's office.

.02 This revision effects the reorganization of the Office of the Assistant Secretary for Administration, which (1) abolishes the positions of Controller, Executive Director for Planning, Personnel and Management, Executive Director for Operations, and Executive Director for Information Resources Management; (2) establishes the positions of Deputy Assistant Secretary for Administration, Director for Planning, Budget and Evaluation, Director for Finance, Director for Procurement and Federal Assistance, Director for Management Support Operations, Director for Personnel and Civil Rights, and Director for Management and Information Systems; (3) establishes the Office of Information Resources Procurement using certain resources of the former Office of Information Management; (4) establishes the Management Service Center as a Departmental office; (5) establishes the Department Computer Center as the Departmental Office of Computer Services; (6) transfers the Emergency Planning and Coordination Division from the Office of Organization and Management Systems to the Office of Security; (7) reorganizes and redesignates the Office of Information Systems as the Office of Systems Development; (8) transfers the internal control staff from the immediate Office of the Assistant Secretary to the Office of the Director for Management and Information Systems, and establishes the Office of Management Control; (9) establishes the Office of Budget Operations, the Office of Financial Policy, and the Office of Financial Operations and Travel Management using the resources from the Office of Financial Management, and abolishes the latter office; (10) assigns control and supervisory responsibilities to the six Directors for the activities of the offices in Administration; (11) redesignates and reorganizes the Office of Information Management as the Office of Information Resources Management; (12) redesignates and reorganizes the Office of Organization and Management Systems as the Office of Organization and Management Analysis; (13) redesignates and reorganizes the Office of Financial Assistance as the Office of Federal Assistance; (14) reflects the previous transfer of the Office of Administrative Law Judge to Administration; and (15) updates the

authority and functions of the Assistant Secretary for Administration.

Section 2. Administrative Designation. The position of Assistant Secretary of Commerce established by Section 304 of Pub. L. 83-471 of July 2, 1954 (68 Stat. 430; 15 U.S.C. 1506) shall continue to be designated as the Assistant Secretary for Administration (the "Assistant Secretary"). The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate.

Section 3. Delegation of Authority. .01 Pursuant to the authority vested in the Secretary of Commerce by law, and subject to such policies and directives as the Secretary may prescribe, the Assistant Secretary is hereby delegated the authority of the Secretary on administrative management matters of the Department. This delegation shall include the conduct of all administrative management functions required in the overall management of the Department, and the provision of administrative management services directly to the Office of the Secretary; and, as may be determined, to all or some organizational units of the Department, or to other governmental organizations for which the Secretary may be assigned responsibility.

.02 The authority delegated to the Assistant Secretary in paragraph .01 above shall also include:

a. Serving as "agency head" with respect to the authorities in Chapter 4, Title 41 of the U.S. Code, which deal with purchases and contracts for property or services, and other authorities of the Secretary relating to procurement.

b. Carrying out the Secretary's responsibilities with respect to the requirements of Title VI of the Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1972, and all other statutes, Executive Orders and regulatory provisions relating to equal opportunity. To carry out these responsibilities, the Assistant Secretary is designated as the Director of Equal Employment Opportunity for the Department and is authorized to (1) upon recommendations of the heads of operating units, and with the approval of the respective Program Secretarial Officers involved, designate Equal Employment Opportunity Officers for the operating units; and (2) designate Equal Employment Opportunity Officers for the Office of the Secretary.

c. Carrying out the Secretary's responsibilities under the Federal Advisory Committee Act (5 U.S.C. Appendix), and the Privacy Act (5 U.S.C. 552a); and implementing directives of

the General Services Administration and the Office of Management and Budget.

d. Coordinating Departmentwide the preparation of the national emergency plans and the development of the preparedness programs required by section 901 of Executive Order 11490, as amended.

e. Carrying out the Secretary's responsibilities with respect to gifts and bequests under 15 U.S.C. 1522-1524 (Pub. L. 88-611).

f. Acting as Grants Officer for the Department, which includes exercising signature authority to award grants and cooperative agreements in consideration of recommendations made by Commerce program officials and taking into account administrative factors pertaining to each proposed award of financial assistance.

g. Taking actions with respect to Department patent policy for contracts and grants, as assigned to the Assistant Secretary in DAO 208-14.

h. Carrying out the Secretary's responsibilities with respect to special studies, reports, technical information, and other related functions under 15 U.S.C. 1525-1527 (Pub. L. 91-412).

i. Acting as the senior Department official in implementing the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

j. Ensuring Departmental compliance with the provisions of the Brooks Act (40 U.S.C. 759) relating to the economic and efficient purchase, lease, and maintenance of automatic data processing equipment, except for 40 U.S.C. 759(f).

k. Carrying out the Secretary's responsibilities under the Freedom of Information Act (5 U.S.C. 552) in conformance with any limitations, policies, or directives established by the Secretary.

l. Appointing, employing, and establishing policies and programs for the employment and management of such personnel as the Department is authorized by law and regulations.

.03 Subject to applicable laws and regulations, the Assistant Secretary may redelegate the authorities under this section to any officer or employee of the Department subject to such conditions in the exercise of the authority as the Assistant Secretary may prescribe; however, the Assistant Secretary's authority to designate Equal Employment Opportunity Officers may not be redelegated.

Section 4. Office of the Assistant Secretary for Administration. The Office of the Assistant Secretary shall consist of:

a. The Deputy Assistant Secretary for Administration, who shall be the principal assistant to the Assistant Secretary, and shall act as the Assistant Secretary during the latter's absence.

b. The Director for Finance.

c. The Director for Management and Information Systems.

d. The Director for Management Support Operations.

e. The Director for Personnel and Civil Rights.

f. The Director for Planning, Budget and Evaluation.

g. The Director for Procurement and Federal Assistance.

h. The Chief Judge, Office of Administrative Law Judge.

i. Other Departmental offices as the Assistant Secretary may establish to assist in carrying out the administrative management functions prescribed by this Order. (See the organization chart attached to this Order.) A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Section 5. Responsibilities. .01 The Assistant Secretary shall serve as the principal adviser to the Secretary and as the chief officer of the Department on administrative management. The Assistant Secretary shall be concerned with:

a. Developing and issuing policies, standards, and procedures for administrative management functions throughout the Department, including the Regional Administrative Support Centers, and providing functional appraisal and supervision in the conduct of functions by organizational units.

b. Providing directly the administrative management services required by the Office of the Secretary and, as determined by the Secretary or by agreement (e.g., between the Assistant Secretary and the Secretarial Officer concerned), providing particular administrative management services to specified organizational units of the Department or to other organizations.

c. Providing personnel programming and management, including labor-management relations, employee occupational safety and health; and the direction, administration, and processing of all personnel matters.

d. Conducting activities to ensure equal employment opportunity in the Department, including affirmative action for employees and job applicants; and nondiscrimination in Federally-assisted programs, activities and projects.

e. Developing and implementing policies, standards, and procedures for the administration of financial assistance programs of the Department; and conducting financial assistance

functions for the Office of the Secretary and operating units. The Assistant Secretary shall chair the Financial Assistance Review Board, established by DAO 203-26.

f. Providing a centralized procurement activity for acquiring both information resources (ADP, etc.) and non-information resources for the Department; and, as appropriate, coordinating with and assisting the operating units in the conduct of the overall procurement program.

g. Improving management structures, systems, tools, and practices to achieve the highest degree of management efficiency, operational effectiveness, and economy, and to minimize the opportunity for fraud and mismanagement.

h. Interpreting Presidential directives related to program planning, management control, and operational evaluation; and the initiation of appropriate actions, including audit resolution and follow-up activities.

i. Providing systems analysis and planning of the Department's requirements for automatic data processing (ADP) and associated telecommunications systems to assure their optimum utilization in carrying out Commerce programs.

j. Providing information resources management, including the policy, planning, operation, utilization, security, and evaluation of information resources requirements; and employing the information technology needed to support the Department's programs in the most effective and economical manner.

k. Implementing and administering the information policy laws affecting the Department, including applicable provisions of the Paperwork Reduction Act, the Federal Advisory Committee Act, the Privacy Act, the Freedom of Information Act, and the Federal Records Act of 1950.

l. Planning, budgeting, and management of financial resources to assure optimum utilization of funds in carrying out programs of the Department, including compliance with the Budget and Accounting Procedures Act of 1950.

m. Providing an effective Departmental program planning and evaluation system, including program planning, performance analysis, status reporting, and the establishment of a Strategic Planning Objectives System.

n. Ensuring the provision of centralized or, as appropriate, regional administrative and related support services required for the effective conduct of Department programs, including the establishment and

operation of Regional Administrative Support Centers.

o. Managing the Herbert C. Hoover Building.

p. Providing for the direction, formulation analysis, coordination, and implementation of the Department's financial management policies, including debt collection oversight and audit resolution follow-up.

q. Achieving a high state of Departmental planning and readiness for responding to national emergencies and major disasters.

r. Conducting certain investigations, security matters, and physical protection assignments.

s. Providing publications and printing services (including micropublishing), design, graphics, editorial, promotional, distribution, and publishing control; and related services, including library, telecommunications, mail, messenger, and distribution activities.

t. Establishing policies and procedures for the development and operation of Departmentwide internal control systems.

u. Providing for Department hearings required to be determined on the record under Section 5 of the Administrative Procedure Act (5 U.S.C. 554).

.02 The Assistant Secretary shall be responsible for coordination and liaison with the Office of Management and Budget, the Office of Personnel Management, the General Services Administration, the General Accounting Office, the House Operations Committee, and the Government Printing Office on all applicable matters of administrative management; provide central liaison for the Department with the Budget Committees and Appropriations Committees of the Congress; coordinate administrative management matters with other departments and agencies; and otherwise represent the Department on such matters with public or private groups.

.03 The Assistant Secretary shall be assisted in performing the responsibilities in this section, as follows:

a. The *Director for Finance* shall have Departmentwide responsibility for the direction, formulation analysis, coordination, and implementation of financial management policies, including staff responsibility for the Assistant Secretary's associated responsibilities under the Budget and Accounting Procedures Act of 1950. The Director shall provide financial management, budget, and accounting services to the Office of the Secretary and assigned operating units; and provide

Departmentwide accounting and travel management policy, coordination, and direction. Specifically, the Director for Finance shall:

1. Provide accounting, budget, administrative payment, payroll, and travel accounting and payment services to the Office of the Secretary and other assigned organizational units; operate the Department's Management Service Center; establish policies and procedures on official travel, debt collection, payroll, payments, and other financial management activities; and administer the Working Capital Fund and the General Administration budget account.

2. Formulate standards for accounting matters and requirements for financial administrative systems, both automated and non-automated, and advise the Assistant Secretary in these areas.

3. Conduct analyses of financial management policies, practices, and information systems, and advise the Assistant Secretary on Departmental and interagency matters.

4. Advise the Assistant Secretary on technical matters and policy implications related to Departmental activities under OMB Circular A-76, and implementation of the Federal Managers Financial Integrity Act of 1982.

5. Provide fiscal support and consultation to all Departmental offices and operating units.

6. Serve as Departmental liaison and provide support, related to fiscal policies and procedures, to central agencies and other Federal organizations.

7. Support the development and implementation of the financial management information module of the Department's Management Information System.

b. The *Director for Management and Information Systems* shall provide management and organizational analysis support for the Office of the Secretary and, as required, for the operating units; and plan, develop, implement, and evaluate policies and procedures for Departmentwide management and internal control systems. The Director shall have Departmentwide approval and oversight responsibility for the management of automated and non-automated information systems, including related development, coordination, implementation of policies, plans, and rules; and the evaluation and security of these systems. This encompasses information data bases, automatic data processing, telecommunications, and other technologies for managing

information resources. Specifically, the Director shall:

1. Implement the applicable provisions of Pub. L. 89-306, the Brooks Act; the Paperwork Reduction Act of 1980; the Freedom of Information Act; the Privacy Act; the Federal Advisory Committee Act; and the Federal Records Act of 1950.

2. Develop, coordinate, and implement Departmental information policies, planning, utilization, security and evaluation for information systems requirements, including the definition and employment of the information technologies needed to support the Commerce programs in the most effective and economical manner.

3. Develop, coordinate, and implement Departmental information management policies, rules, plans, and guidelines; provide direction and oversee the review and approval of the management and utilization of automatic data processing, telecommunications, and other technology for managing information resources; implement and administer information policy laws; conduct a records management program; and provide management initiative in the reduction of the Department's paperwork burden, and inter/intra agency sharing of information.

4. Develop, coordinate, implement, and administer the integration of Departmental administrative/ programmatic management information systems, including the Department's Management Information System.

5. Manage the collection, definition, standardization, use and disposition of information from public and private sources. In support of information management activities, the Commerce Information Policy Issues Committee, chaired by the Assistant Secretary, shall consider and seek solutions for a wide range of information policy issues within, or impacting from outside, the Department.

6. Perform management consulting, organizational review, management improvement, and directives management functions.

7. Develop, coordinate and implement policies concerning internal control systems and activities, provide audit liaison and follow-up.

c. The *Director for Management Support Operations* shall have Departmentwide responsibility for the development of policies and procedures, and the management and delivery of administrative support services for the Office of the Secretary and other elements of the Department; and manage the Department's central ADP facility. Specifically, the Director for Management Support Operations shall:

1. Provide a full range of administrative services for the Department, including supply (other than procurement), space management and utilization, property management, labor services, motor vehicle, historic preservation, energy conservation, travel and shipping, traffic, and selected telecommunications services.

2. Provide publications, printing (both microform and conventional), and related services for certain elements of the Department, library services for the tenants of the Herbert C. Hoover Building via the Main Library facility, selected telecommunications services via the Communications Center, and mail, messenger, and distribution services (internal and publications).

3. Conduct certain Departmental investigations; serve as the focal point for personnel security matters; establish policies and procedures for documentary security and physical security; advise on security matters and represent the Department as appropriate on security matters; carry out physical protection assignments for Department officials; and perform emergency readiness planning and coordinating functions.

4. Operate a central ADP resource facility to support the Office of the Secretary and designated operating units; and provide computer resources for the selected automated applications of other government agencies.

5. Support the development and implementation of the administrative services support information module of the Department's Management Information System by defining, in coordination with the operating units, system requirements.

d. The *Director for Personnel and Civil Rights* shall have Departmentwide responsibilities for the development and administration of personnel management policies and programs, including occupational safety, health, and equal employment opportunity activities; and shall provide personnel services to the Office of the Secretary and designated operating units. Specifically, the Director for Personnel and Civil Rights shall:

1. Provide personnel policy, planning, and management, including work force planning, labor-management relations, employee health, management training and personnel systems design, implementation, and evaluation.

2. Delegate personnel management authority, including the authority to appoint and employ persons as authorized under law, to the lowest level practicable in the Department

consistent with sound management and administration.

3. Provide personnel services to the Office of the Secretary and other elements of the Department as may be designated.

4. Conduct activities to ensure equal employment opportunity in the Department, including affirmative action; nondiscrimination in Federally-assisted programs; and the investigation, reporting, and development of final decisions on EEO complaints. Make final agency decisions on complaints of discrimination filed by applicants or employees of the Department, as provided for in EEOC regulation 29 CFR 1613.204(d)(7) and implementing Department regulations.

5. Support the development and implementation of the personnel planning evaluation, and management information module of the Department's Management Information System.

e. The *Director for Planning, Budget and Evaluation* shall be the principal advisor to, and representative of, the Assistant Secretary for budget, strategic planning, and program monitoring and evaluation matters, and shall serve as advisor to other Department officials with respect to these matters. The Director shall have Departmentwide responsibility for the development, integration, and administration of policies and procedures for planning and program evaluation. Specifically, the Director for Planning, Budget and Evaluation shall:

1. Plan and administer Department budget activities including budget guidance, formulation, presentation, justification and execution.

2. Provide leadership for the establishment and operation of an integrated budget program and management planning system throughout the Department.

3. Plan and manage Department

program evaluation activities, including the Strategic Planning Objectives (SPO) system, to ensure effective service delivery of Department programs.

4. Conduct quarterly reviews of selected Department programs for the Assistant Secretary to monitor and compare their financial and programmatic status.

5. Support the development and implementation of the budget and evaluation information module of the Department's Management Information System.

f. The *Director for Procurement and Federal Assistance* shall have Departmentwide responsibility for planning, developing and implementing policies and procedures for the acquisition of materials, supplies, equipment and services through procurement and contracting processes. The Director shall be responsible for providing leadership and coordination in setting Departmental grants and cooperative agreements policies, and shall administer grants and cooperative agreements administrative activities. Specifically, the Director for Procurement and Federal Assistance shall:

1. Establish Departmentwide procurement policy; conduct a centralized procurement activity, for both ADP and non-ADP procurement requirements, in support of Commerce goals and objectives, or delegate the authority to conduct such procurements. Oversee all field procurement activities, with the objective of obtaining goods, services, and equipment in a timely fashion, at fair and reasonable prices, and in accordance with procurement laws and regulations.

2. Provide advice and assistance to the Assistant Secretary in the performance of functions assigned by DAO 208-14 concerning patent policy for contracts and grants.

3. Provide a focal point for policies governing the administration of grants, loans, and cooperative agreements, including the authority to exercise signature authority to award financial assistance in consideration of recommendations made by Commerce program officials and in consideration of all administrative factors pertaining to each such award.

4. Cooperate with appropriate organizations to achieve socio-economic program objectives, such as those of the Small Business Program, through the procurement process.

5. Provide administrative guidance and supervision to the Director, Office of Small and Disadvantaged Business Utilization in accord with DDO 15-9.

6. Support the development and implementation of the procurement and financial assistance information module of the Department's Management Information System.

g. The *Chief Judge, Office of Administrative Law Judge*, shall have Departmentwide responsibility for presiding at hearings required to be determined on the record under Section 5 of the Administrative Procedure Act.

Section 6. Implementation.

.01 Appropriate Department Organization Orders, Department Administrative Orders, circulars, or memoranda, which prescribe the Assistant Secretary's authority, functions, or organization, are hereby constructively amended or superseded accordingly.

.02 The Assistant Secretary will schedule and accomplish all transfers of personnel, funds, records, and property pursuant to the implementation of the provisions of this Order.

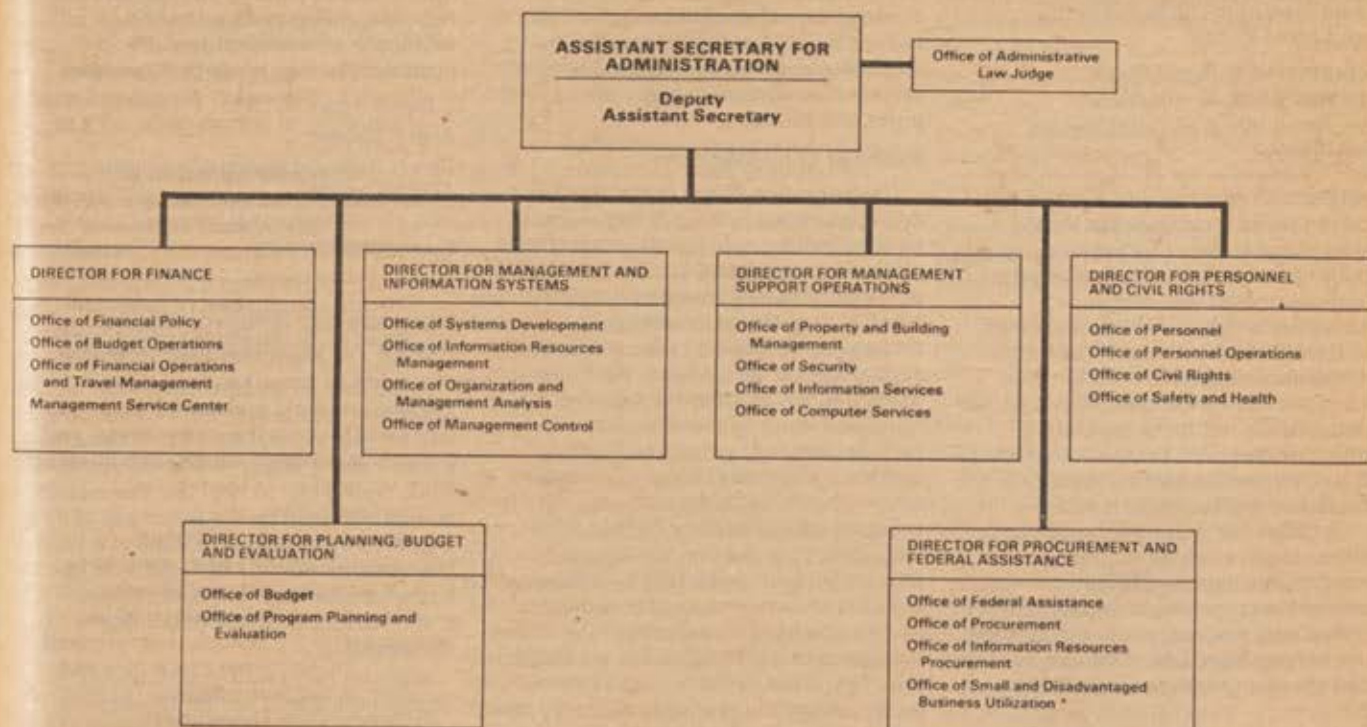
Arlene Triplett,

Assistant Secretary for Administration.

BILLING CODE 3510-DK-M

U.S. DEPARTMENT OF COMMERCE
Assistant Secretary for Administration

EX O DDO 10-5



* The Office of Small and Disadvantaged Business Utilization reports to the Director for Procurement and Federal Assistance for administrative support purposes in accord with DDO-15-9.

[FR Doc. 83-21975 Filed 8-10-83; 8:45 am]

BILLING CODE 3510-DK-C

July 1, 1983

Office of the Secretary

[Department Organization Order 10-3 Amdt. 5]

Department Organization Order; Under Secretary for International Trade

Effective Date: July 1, 1983.

Subject: This order effective July 1, 1983 further amends the materials appearing at 47 FR 5755 and 57558 of December 27, 1982, 48 FR 19435 of April 28, 1983 and 48 FR 28121 of June 20, 1983.

Department Organization Order 10-3, dated February 15, 1982 is hereby further amended as shown below. The purpose of this amendment is to delegate to the Under Secretary the

Secretary's authority under Section 12(c) of the Export Administration Act.

Section 4. Delegation of Authority. Subparagraph 4.01h. is revised to read as follows:

"h. The Export Administration Act of 1979 (50 U.S.C. app. 2401, *et seq.*) and the authority under the Act conferred on the Secretary under Executive Order 12214 of May 2, 1980, and Executive Order 12002 of July 7, 1977, except that:

"1. the submission of reports to the Congress required by Section 14 of the Act shall be reserved to the Secretary; and

"2. the power, authority, and discretion to make the determination

required by Section 12(c):

"a. may not be delegated below the Assistant Secretary level;

"b. Determinations with respect to the publication or disclosure of confidential information obtained under the Act pursuant to a request under the Freedom of Information Act (5 U.S.C. 552) shall be reserved to the Under Secretary for International Trade; and

"c. any determination under Section 12 (c) shall require the prior concurrence of the Office of the General Counsel."

Arlene Triplett,

Assistant Secretary for Administration.

[FR Doc. 83-21974 Filed 8-10-83; 8:45 am]

BILLING CODE 3510-DK-M

International Trade Administration

Initiation of Antidumping Investigation; Certain Rectangular Welded Carbon Steel Pipes and Tubes From the Republic of Korea

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether certain rectangular welded carbon steel pipes and tubes from the Republic of Korea (Korea) are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before August 29, 1983 and we will make ours on or before December 21, 1983.

EFFECTIVE DATE: August 11, 1983.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-2438.

SUPPLEMENTARY INFORMATION: On July 14, 1983, we received a petition in proper form from counsel for the Committee on Pipe and Tube Imports (CPTI). The CPTI represents the following domestic manufacturers of rectangular welded carbon steel pipes and tubes: Allied Tube and Conduit Corp.; American Tube Co., Inc.; Bull Moose Tube Co.; Copperweld Tubing Group; Kaiser Steel Corp.; Merchants Metals, Inc.; Pittsburgh-International; Southwestern Pipe, Inc. and Western Tube and Conduit.

In compliance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Korea 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 Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry. The allegation of sales at less than fair value of the

merchandise under investigation from Korea is supported by comparisons of offered United States prices with the foreign market value based on the constructed value of the merchandise using publicly available financial statements of two Korean producers of certain rectangular welded carbon steel pipes and tubes.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioners supporting the allegations. We have examined the petition filed by the representatives of the domestic manufacturers of certain rectangular welded carbon steel pipes and tubes, and we have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether certain rectangular welded carbon steel pipes and tubes from Korea are being, or are likely to be, sold at less than fair value in the United States. If our investigation proceeds normally, we will make our preliminary determination by December 21, 1983.

Scope of Investigation

The merchandise covered by this investigation is certain rectangular welded carbon steel pipes and tubes, which are defined for purposes of this proceeding as: Welded carbon steel pipes and tubes, of rectangular (including square) cross section, provided for in items 610.3955 and 610.4975 of the Tariff Schedules of the United States Annotated (1983).

Notification to the ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it 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.

Preliminary Determination by ITC

The ITC will determine within 45 days of the date the petition was received whether there is a reasonable indication that imports of certain rectangular

welded carbon steel pipes and tubes from Korea are materially injuring, or are likely to materially injure a United States industry. If its determination is negative, this investigation will terminate; otherwise it will proceed according to the statutory procedures.

Dated: August 3, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-21973 Filed 8-10-83; 8:45 am]

BILLING CODE 3510-25-M

Importers and Retailers' Textile Advisory Committee; Open Meeting

A meeting of the Importers and Retailers' Textile Advisory Committee will be held August 25, 1983, 10:30 a.m., Room 770, #6 World Trade Center, New York, New York 10048. (The Committee was established by the Secretary of Commerce on August 13, 1963 to advise Department officials of the effects on import markets of cotton, wool, and man-made fiber textile and apparel agreements).

Agenda: Review of import trends, implementation of textile agreements, report on conditions in the domestic market, and other business.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes contact Helen L. LeGrande (202) 377-3737.

Dated: August 8, 1983.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 83-21977 Filed 8-10-83; 8:45 am]

BILLING CODE 3510-25-M

Management-Labor Textile Advisory Committee; Open Meeting

A meeting of the Management-Labor Textile Advisory Committee will be held August 31, 1983, 1:00 p.m., Herbert C. Hoover Building, Room 8802, 14th Street and Constitution Avenue, NW., Washington, D.C. (The Committee was established by the Secretary of Commerce on October 18, 1961, to advise Department officials on problems and conditions in the textile and apparel industry).

Agenda: Review of import trends, implementation of textile agreements, report on conditions in the domestic market, and other business.

The meeting will be open to the public with a limited number of seats available. For further information or

copies of the minutes contact Helen L. LeGrande (202) 377-3737.

Dated: August 8, 1983.

Walter C. Lenahan,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 83-21976 Filed 8-10-83; 8:45 am]

BILLING CODE 3510-25-M

The Regents of the University of California; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00287. Applicant: The Regents of the University of California, Irvine California, Department of Chemistry, Irvine, CA 92717. Instrument: Excimer Laser Model TE-861S-2 with Type 525 Capacitor. Manufacturer: Lumonics, Inc., Canada. Intended use of instrument: See notice on page 39546 in the *Federal Register* of September 8, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: In response to Question 8, the applicant alleges that (1) the combination of high pulse repetition rate and high pulse energy of the foreign instrument is pertinent (within the meaning of § 301.2(s) of the regulations) to its intended use and (2) a matching combination was not obtainable from domestic manufacturers within the maximum budget allowed for purchasing the required instrument. As § 301.2(s) indicates, cost of the instrument is not considered in our determination. A discussion of the applicant's technical requirements follows. To support its allegation that "the combination of high repetition rate and high pulse energy were not obtainable from the domestic manufacturers within the maximum

allowed budget for the instrument," the applicant provides a copy of page 166 of the 1982 "Laser Focus Buyer's Guide" which among other things compares argon fluoride (i.e., 193 nanometer (nm) wavelength) operation capabilities of lasers from several manufacturers. Since such "Guides" require submission of data well in advance of publication, they are not necessarily a source of up to date information. Such information can be obtained from a manufacturer afforded an opportunity to meet one's technical requirements through a formal request for quote (RFQ). Although the applicant issued an RFQ to one domestic manufacturer, it did not issue one to Tachisto Incorporated (Tachisto), a domestic firm listed in the "Guide" that circulated specifications for its Model 800XR (publication 9825 MSP) at least four months prior to purchase of the foreign instrument. The 800XR repetition rate/pulse energy specifications compare favorably with those of the foreign instrument. Further, price is of no consequence in our determination.

Although the applicant did not quantitatively define its repetition rate/pulse energy requirements, it did cite 193nm specifications in the "Guide" and it listed on its confirming order (dated June 7, 1983) only the pulse repetition rate (40 pulses per second (Hz)) and pulse energy (200 millijoules (mj)) for 193nm operation. Specifications for the foreign instrument attached to the application indicate that its pulse repetition rate is 45Hz and its pulse energy is 200mj at 193nm. The 800XR has a repetition rate of up to 100Hz and a pulse energy of 250 mj at 193nm. Further, 800XR pulse repetition rate/pulse energy specifications clearly exceed those of the foreign instrument at 248nm (100Hz and 400mj versus 45Hz and 80mj), 308nm (100hz and 200mj versus 65Hz and 80mj) and 351nm (100Hz and 200mj versus 45Hz and 80mj). Considering the pulse repetition rate, the pulse energy and the average power of the foreign and domestic instrument, the National Bureau of Standards (NBS) advises in its memoranda dated November 8, 1982, December 17, 1982 and January 6, 1982 that instruments available from Tachisto are scientifically equivalent to the foreign instrument for the applicant's intended purposes.

The foregoing discussion was based on our own review, including consideration of specifications and other factual information in our possession, and NBS advice. In conclusion we find that the Tachisto Model 800XR excimer laser is of equivalent scientific value to the foreign instrument for such purposes

as this instrument is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-21943 Filed 8-10-83; 8:45 am]

BILLING CODE 3510-25-M

University of Pennsylvania et al.; Applications for Duty-Free Entry of Scientific Instruments

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States.

Comments must be filed in accordance with § 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the *Federal Register*.

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, Room 1523, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-261. Applicant: University of Pennsylvania, Franklin Building, 3451 Walnut Street, Philadelphia, PA 19104. Instrument: Micromanipulator, MS-500. Manufacturer: Max Frankenberger, West Germany. Intended use of instrument: The instrument is intended to be used for studies of biological cells from the epithelium of frog skin. The aim of the experiments is to understand how the salt composition of the fluids inside the cells can regulate the rates of salt movement across the skin (and across analogous preparations such as the human kidney). Application received by Commissioner of Customs: July 28, 1983.

Docket No. 83-262. Applicant: State University of New York at Buffalo, Physics Department, Fronczak Hall,

Buffalo, NY 14260. Instrument: Polarizing Fourier Transform Spectrometer System and Accessories. Manufacturer: SPECAC, Analytical Accessories, Ltd., United Kingdom. Intended use of instrument: The instrument is intended to be used for studies of semiconductors and semiconductor device structures, in particular, Silicon MOS transistors and GaAs-Ga_{1-x}Al_xAs, and InSb-CdTe heterostructures. Initial measurements will be directed at determining binding energies of impurities in these device structures when the confining potentials are of the order of the effective Bohr radii of the impurities. Optical transitions from the ground to excited status will be studied. The objectives of this project are to determine the changes in impurity binding energy due to confinement by potentials on the scale of 50 Å to 1000 Å. Application received by Commissioner of Customs: July 28, 1983.

Docket No. 83-263. Applicant: University of California, Davis, Department of Zoology, Storer Hall, Davis, CA 95616. Instrument: Electron Microscope, Model EM410G and Accessories. Manufacturer: N. V. Philips Gloeilampenfabrieken, The Netherlands. Intended use of instrument: The instrument is intended to be used in a number of ongoing projects: studies of naturally occurring systems that block dehydration-induced damage to membranes; studies of model membrane systems; freeze-fracture and thin-section analysis of cell junctions and of membranes from normal and dystrophic muscle; studies correlating ultrastructural and molecular events in invertebrate sperm; studies of the membrane system believed responsible for Ca²⁺ storage and release in amphibian eggs; studies to elucidate mechanisms of neural crest cell migration in development. In summary, the materials are those involving the cell membrane, and the phenomena are those of anhydrobiosis, cell/cell interaction, epidemiology, fertilization and reproduction, and morphogenesis and organogenesis. Application received by Commissioner of Customs: July 28, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-21945 Filed 8-10-83; 8:45 am]

BILLING CODE 3510-25-M

University of Utah; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00033R. Applicant: University of Utah, Salt Lake City, UT 84112. Instrument: Gas Chromatograph/Mass Spectrometer with Data System, MM7025. Original notice of this resubmitted application was published in the Federal Register of December 8, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, could have been made available to the applicant without excessive delay within the meaning of § 301.5(d)(4) of the regulations at the time the foreign instrument was ordered (August 27, 1981).

Reasons: Excessive delivery time is described in § 301.5(d)(4) of the regulations as follows:

Excessive delivery time. Duty-free entry of the instrument shall be considered justified without regard to whether there is being manufactured in the United States an instrument of equivalent scientific value for the intended purposes if excessive delivery time for the domestic instrument would seriously impair the accomplishment of the applicant's intended purposes. For purposes of this section, (i) except when objective and convincing evidence is presented that, at the time of order, the actual delivery time would significantly exceed quoted delivery time no claim of excessive delivery time may be made unless the applicant has afforded the domestic manufacturer an opportunity to quote and the delivery time for the domestic instrument exceeds that for the foreign instrument; and (ii) failure by the domestic manufacturer to quote a specific delivery time shall be considered a non-responsive bid (see § 301.5(d)(2)). In determining whether the difference in delivery times cited by the applicant justifies duty-free entry on the basis of excessive delivery time the Director shall take into account (A) the normal commercial practice applicable to the

production of the general category of instrument involved; (B) the efforts made by the applicant to secure delivery of the instruments (both foreign and domestic) in the shortest possible time; and (C) such other factors as the Director finds relevant under the circumstances of a particular case.

The applicant issued a request for quote (RFQ), inquiry number 64169, on an instrument to meet its needs. Both the foreign manufacturer and the domestic Nuclide Corporation (Nuclide) responded to the RFQ. The foreign manufacturer quoted the foreign instrument with a 90 day delivery time. Nuclide offered a comparable instrument that included "some 1981 design modules (e.g., fast EI/CI switching, laminated magnet)" with a 360 day delivery time. A delivery difference of six to nine months (or more, since the 1981 design modules could delay delivery beyond the quoted maximum) would seriously impact on the applicant's educational program through a significant delay in thesis research as well as a significant loss of semester experiments and laboratory work. The National Bureau of Standards advises in its memorandum dated June 30, 1983 that the delay in receiving the domestic instrument would seriously impair the applicant's program.

Accordingly, we find that the difference in delivery times quoted by the foreign and domestic manufacturers amounts to "excessive delivery" within the meaning of Subsection 301.5(d)(4) as delay in delivery would seriously impair the accomplishment of the applicant's intended purposes at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-21942 Filed 8-10-83; 8:45 am]

BILLING CODE 3510-25-M

University of Wisconsin et al; Notice of Applications for Duty-Free-Entry of Science Instruments

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of

equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States.

Comments must be filed in accordance with § 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the *Federal Register*.

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 A.M. and 5:00 p.m., Monday through Friday Room 1523, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-133R. Applicant: University of Wisconsin Madison, Department of Chemistry, 1101 University Avenue, Madison WI 53706. Instrument: Gas Chromatograph Mass Spectrometer System MS-80, and Accessories. Original notice of this resubmitted application was published in the *Federal Register* of March 7, 1983.

Docket No. 83-248. Applicant: University of Wisconsin, Department of Anatomy, 1300 University Avenue, Madison, WI 53706. Instrument: Electron Microscope, Model H-600 with Accessories. Manufacturer: Hitachi, Limited Japan. Intended use of instrument: The instrument is intended to be used by faculty, postdoctoral and graduate students who are actively engaged in ultrastructural studies related to the neurosciences. More specifically, the following research endeavors are to be carried out: (1) Ultrastructural studies of the superior colliculus and dorsal lateral geniculate nucleus, (2) developmental studies of synaptic relations in the dorsal lateral geniculate, central nerve fibers, (4) analyses of neuronal mechanisms in pyriform cortex, (5) studies aimed at determining the role of developing serotonin neurons in gut motility, (6) studies of the morphology and physiology of transmitter release from cholinergic nerve terminals, and (7) studies of synaptic transmission in aged preparations. Application received by Commissioner of Customs: July 19, 1983.

Docket No. 83-249. Applicant: University of California, Lawrence Livermore National Laboratory, 7000 East Avenue, Livermore, CA 94550. Instrument: 2 Microwave Oscillators. Manufacturer: Varian-Canada, Inc., Canada. Intended use of instrument: The instrument is intended to be used for the study of the "free electron laser" (FEL) interaction between a 5MeV, lka, pulsed electron beam and a microwave electromagnetic field. The planned

research work will involve the investigation of the magnitude and spectral bandwidth of FEL-produced microwave power at three different wavelengths. The rate of transfer of energy from the electron beam to the microwave field in a waveguide will be determined as a function of frequency, beam current, the length of the interaction region and the magnitude of microwave input power. Application received by Commissioner of Customs: July 19, 1983.

Docket No. 83-251. Applicant: Scripps Clinic and Research Foundation, Department of Immunology, 1066 North Torrey Pines Road, La Jolla, CA 92037. Instrument: LKB 2258-041 PMV Cryo-Microtome, Type 160 MP and Accessories. Manufacturer: LKB Produkter, Sweden. Intended use of instrument: The instrument is intended to be used for studies of biological materials including whole animals and human tissues. Investigations to be conducted will include autoradiographic drug and chemical distribution studies of whole animals as well as fetal distribution studies of teratogenic compounds; histochemical studies of hormone and enzyme localization in cells and tissues of large specimens; metabolism studies of drugs and toxic or carcinogenic environmental agents; gross morphology and low powered light microscopy examination of whole human organs and animals to measure tumor metastasis. Application received by Commission of Customs: July 19, 1983.

Docket No. 83-252. Applicant: Desert Research Institute, Bioresources Center, 7010 Dandini Boulevard, Reno, NV 89512. Instrument: Infrared Gas Analyzer. Manufacturer: Leybold Hereaus, West Germany. Intended use of instrument: The instrument is intended to be used to study the gas exchange (CO₂ uptake, H₂O loss) from live plant material growing under natural conditions. The objectives of this research is to generate a basic understanding of the mechanisms of photosynthesis. Application received by Commissioner of Customs: July 19, 1983.

Docket No. 83-253. Applicant: University of Wisconsin Medical School, Department of Ophthalmology, 600 Highland Avenue, Madison, WI 53792. Instrument: Electron Microscope, Model H-600-3 and Accessories. Manufacturer: Hitachi Ltd., Japan. Intended use of instrument: The instrument is intended to be used by faculty and especially interested residents or medical students actively engaged in ultrastructural studies of the eye. Under specific investigation are:

- (1) The blood retinal barrier;
- (2) The effects of various kinds of laser treatment and of other surgical procedures on the eye,
- (3) The nature and development of preretinal membranes,
- (4) Healing of the cornea and
- (5) Changes of the chamber angle and ciliary body in relation to pharmacological treatment and disease, such as glaucoma.

Application received by Commissioner of Customs: July 19, 1983.

Docket No. 83-254. Applicant: Brookhaven National Laboratory, Upton, N.Y. 11973. Instrument: Monochromator Crystals. Manufacturer: Cristal Tec, France. Intended use of instrument: The instrument will be used in a research program involving the study of the properties of solids using neutrons from the Brookhaven High Flux Beam Reactor. The neutrons emerge from the pile with a smooth distribution of energies and by employing suitably oriented single crystals, called monochromators, neutrons of a single energy may be selected from the pile spectrum. These monoenergetic neutrons are then used in the study of the properties of solids. The Cu₂MnAl₃ crystal also can be used to polarize the neutron beam so that the spins of the neutrons selected are aligned as well as being monoenergetic. Application received by Commissioner of Customs: July 19, 1983.

Docket No. 83-255. Applicant: Cornell University, Knight Laboratory, Ithaca, N.Y. 14853. Instrument: Diffraction Attachment of VGHB5 STEM. Manufacturer: VG Microscopes Ltd., United Kingdom. Intended use of instrument: The instrument is intended to be used for studies of polymeric resists, silicon based and compound semiconductors structures, insulators, oxides and catalysts at the nanometer scale. Experiments to be conducted will involve recording of electron diffraction patterns simultaneously with imaging or electron energy loss spectroscopy from areas less than one nanometer squared, and temporal recording of electron diffraction patterns as a function of irradiation dose. Application received by Commissioner of Customs: July 19, 1983.

Docket No. 83-256. Applicant: N.C. State University, Purchases and Stores Division, P.O. Box 5935, Raleigh, NC 27650. Instrument: (6) Tube Solarimeters, Type TSL, with (4) 5m Cable Millivolt Integrators, Type MVI. Manufacturer: Delta T. Devices, United Kingdom. Intended use of instrument: The instrument is intended to be used for measurements of absorbed solar energy

by soybean crops in relation to exposure to air pollutants with the objectives of developing capability of non-destructive sensing of crop response to air quality. Application Received by Commissioner of Customs: July 19, 1983.

Docket No. 83-257. Applicant: Georgia Institute of Technology, 225 North Avenue, Atlanta, GA 30332. Instrument: Type VKQ, 242OM Extended Interaction Oscillator. Manufacturer: Varian Canada, Canada. Intended use of Instrument: The instrument is intended to be used for studies of phantom modelling materials that simulate the electrical properties of biological tissues (muscle, fat, skin, brain, bone, etc.). The objectives of the investigation include defining the amount and distribution of heat deposited in the phantom modelling materials as a result of exposure to the millimeter-wave radiation. Both graduate and undergraduate students will use the instrument in research projects concerned with heat deposition in biological materials exposed to millimeter-wave radiation. Application Received by Commissioner of Customs: July 19, 1983.

Docket No. 83-258. Applicant: Mt. Sinai School of Medicine, Dept. of Physiology, Annenberg Building 21-26, One Gustave L. Levy Place, New York, NY 10029. Instrument: Micromanipulator, Type Frankenberger. Manufacturer: Vertrieb Biomedizinischer Geräte, West Germany. Intended use of Instrument: The foreign instrument is to be used for micro-impalement of electrodes in research on the reabsorptive (or secretory) transport of Na, Cl, HCO₃ and/or H ions across the epithelial cells of the turtle bladder to characterize the ion-selective, electrical properties of the apical as distinct from the basal-lateral membrane. Accordingly, measurements of transmembrane parameters such as the electrical potential ion-selective conductances, and total electrical conductance along with additional determinations of the corresponding intracellular ion activities will be obtained. Application received by Commissioner of Customs: July 19, 1983.

Docket No. 83-259. Applicant: Mt. Sinai School of Medicine, Dept. of Physiology, Annenberg Building 21-26, One Gustave L. Levy Place, New York, NY 10029. Instrument: Voltage-Current Clamp, Microelectrode Amplifier and Digital Control Unit. Manufacturer: Vertrieb Biomedizinischer Geräte, West Germany. Intended use of Instrument: The foreign instrument is to be used for micro-impalement of electrodes in research on the reabsorptive (or

secretory) transport of Na, Cl, HCO₃ and/or H ions across the epithelial cells of the turtle bladder to characterize the ion-selective, electrical properties of the apical as distinct from the basal-lateral membrane. Accordingly, measurements of transmembrane parameters such as the electrical potential ion-selective conductances, and total electrical conductance along with additional determinations of the corresponding intra-cellular ion activities will be obtained. Application received by Commissioner of Customs: July 19, 1983.

Docket No. 83-260. Applicant: University of California, Los Angeles, Purchasing Department, 405 Hilgard Avenue, Los Angeles, CA 90024. Instrument: Scanning Electron Microscope, Model DS-130 and Accessories. Manufacturer: Akashi Seisakusho Ltd., Japan. Intended use of instrument: The instrument is intended to be used in conducting the following research projects:

- (1) The chemistry of solid surfaces with emphasis on epitaxial growth of one crystalline material on another.
- (2) Tracing of toxin-binding sites on mammalian cells using toxin-labeled particles.
- (3) The clustering of hormone receptors on mammalian cell surfaces using hormone-labeled particles.
- (4) Investigations of cell-associated macromolecules, specifically in relation to the formation of collagen fibers and of basement membranes.
- (5) Microarchitecture of collagen bundles and fibrils in tendons of giraffe, cheetah, rhinoceros.
- (6) Comparative auditory physiology—the anatomy and physiology of sub-mammalian vertebrates.
- (7) Details of the organization of the complex light organ of leiognathid fishes.

Application received by Commissioner of Customs: July 21, 1983. (Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,
Acting Director, Statutory Import Programs Staff

[FR Doc. 83-21944 Filed 8-10-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Coastal Zone Management Programs; Delaware, et al.

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and

Coastal Resource Management, Commerce.

ACTION: Notice of intent to evaluate.

SUMMARY: The National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management (OCRM) announces its intent to evaluate the performance of the Delaware Coastal Management Program (CMP) and Coastal Energy Impact Program (CEIP) Guam CMP and CEIP; Northern Marianas CMP and CEIP; South Carolina CMP and CEIP; Mississippi CMP; and Rhode Island CMP through December 1983. These reviews will be conducted pursuant to Section 312 of the Coastal Zone Management Act (CZMA) which requires a continuing review of the performance of the states with respect to coastal management, and their adherence to the terms of financial assistance awards funded under the CZMA. Coastal zone management is funded under Section 306, and the CEIP is funded under Section 308 of the CZMA. The reviews involve consideration of written submissions, a site visit to the state, and consultations with interested Federal, state and local agencies and members of the public. Public meetings will be held as part of the site visits. The state will issue notice of these meetings. Copies of each state's most recent performance report, as well as the OCRM's notification letter and supplemental information request to the state, are available upon request from the OCRM. A subsequent notice will be placed in the *Federal Register* announcing the availability of the Final Findings based on each evaluation once these are completed.

FOR FURTHER INFORMATION CONTACT: D. H. (Bill) Stearns, Acting Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 3300 Whitehaven, St., NW., Washington, D.C. 20235 (telephone: 202/634-4245).

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: August 8, 1983.

K. E. Taggart,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 83-21968 Filed 8-10-83; 8:45 am]

BILLING CODE 3510-08-M

Salmon and Steelhead Advisory Commission; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice.

SUMMARY: Meeting of the Salmon and Steelhead Advisory Commission.

DATES: September 7 and 8, 1983. The meeting will commence at 10:00 a.m. on September 7, 8:00 a.m. on September 8, and is scheduled to continue on later than 3:00 p.m. on September 8. The meeting will be open to interested members of the public; a public comment period will be held at 11:00 a.m. on September 8.

ADDRESS: Hyatt Hotel, 17001 Pacific Highway South, Seattle, Washington 98118, (206) 244-6000.

Meeting agenda: The Commission will meet to review and/or modify and approve a draft report on possible management processes for Northwest salmon and steelhead prior to releasing the report for public review and comment.

FOR FURTHER INFORMATION CONTACT:

H. A. Larkins, Regional Director, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Seattle, Washington 98115, Telephone: (206) 527-6150.

Dated: August 8, 1983.

Joe P. Clem,

Chief, Fees, Permits, and Regulations Division, National Marine Fisheries Service.

[FR Doc. 83-21987 Filed 8-10-83; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION**Paperwork Reduction Submission to the Office of Management and Budget**

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of request for approval.

Section 205 of the Futures Trading Act of 1982, Pub. L. No. 97-444, 96 Stat. 2294, 2300 (1983), requires that the Commodity Futures Trading Commission " * * * monitor and analyze the trading activities of the largest hedgers * * * in the cattle, hog or pork belly markets and report its findings and recommendations * * * to Congress. As part of this study, the Commission intends to solicit from large hedgers in hog, pork belly and cattle futures markets certain information concerning their merchandising operations and their futures market activities. This information will be collected through interviews and through the use of month-end reports.

The Commission has submitted to the Director of the Office of Management and Budget ("OMB"), pursuant to the provisions of the Paperwork Reduction

Act (44 U.S.C. Ch. 35), an explanation and details of this information collection. Interested members of the public may obtain a complete copy of these information collection proposals by contacting Joseph Salazar at (202) 254-9735. Persons wishing to comment on the Paperwork Reduction Act implications of these proposals are asked to send a copy of their comments to Mr. Salazar at the Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, and to the OMB desk officer for the agency, Robert Veeder, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C., 20503 (202) 395-4814. In this respect, persons wishing to comment on this matter should note that although OMB has 60 days upon which to act, the Commission has requested expedited approval of this information collection. 44 U.S.C. 3507 and 5 CFR 1320.12.

Issued in Washington, D.C. on August 5, 1983.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-21909 Filed 8-9-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE**Office of the Secretary****Armed Forces Epidemiological Board; Open Meeting**

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name of committee: Armed Forces Epidemiological Board Subcommittee on Disease Control.

Date of meeting: 8 September 1983.

Time: 1300-1600.

Place: Conference Room 3092, Walter Reed Army Institute of Research, Walter Reed Army Medical Center, Washington, D.C.

Proposed agenda: Review of penicillin prophylaxis of streptococcal infections in Navy and Marine Corps recruits.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG-AFEB, Room 2D455, Pentagon, Washington, DC 20310, (202) 695-9115.

Dated: August 1, 1983.

Robert F. Nikolewski,

Col, USAF, BSC, Executive Secretary.

[FR Doc. 83-21875 Filed 8-10-83; 8:45 am]

BILLING CODE 3710-08-M

Armed Forces Epidemiological Board; Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name of committee: Armed Forces Epidemiological Board.

Date of meeting: 9 September 1983.

Time: 0830-1600.

Place: Conference Room 3092, Walter Reed Army Institute of Research, Walter Reed Army Medical Center, Washington, D.C.

Proposed agenda: Report as to the proposed field evaluation of the Q fever phase I vaccine, review of skin antimicrobial agents, use of military data sources to evaluate the lack of association between swine flu immunization and rheumatoid arthritis, update on the 1983-1984 influenza vaccine, program review of penicillin prophylaxis of streptococcal infections in Navy and Marine Corps recruits, Army outpatient medical information systems and respective military preventive medicine officer reports.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG-AFEB, Room 2D455, Pentagon, Washington, DC 20310, (202) 695-9115.

Dated: August 1, 1983.

Robert F. Nikolewski,

Colonel, USAF, BSC, Executive Secretary.

[FR Doc. 83-21877 Filed 8-10-83; 8:45 am]

BILLING CODE 3710-08-M

Privacy Act of 1974; Establishment of New Systems of Records

AGENCY: Defense Audiovisual Agency, Defense.

ACTION: Establishment of new systems of records.

SUMMARY: The Defense Audiovisual Agency (DAVA) proposes to establish nine new systems of records for systems subject to the Privacy Act of 1974.

DATE: This action will be effective September 12, 1983.

ADDRESSES: Send comments to: Mr. Randy Gulley, Administrative Services

Division (HQ DAVA-RAP) Directorate for Administration, Headquarters, Defense Audiovisual Agency, Norton AFB, CA 92409; Telephone: 714/382-2098; (Autovon: 876-2096).

FOR FURTHER INFORMATION CONTACT: Mr. Randy Gulley at the above address and telephone number.

SUPPLEMENTARY INFORMATION: The DAVA currently in operating its systems of records under the notices established for the Office of the Secretary of Defense. However, since DAVA is a separate Component of the Department of Defense with operations in California, Pennsylvania, Virginia and Washington, DC it is appropriate that separate identifiable notices be established for its Privacy Act program.

New system reports as required by Section 552a(o) of Title 5 of the United States Code (The Privacy Act of 1974, as amended) were submitted for these systems on May 16, 1983.

August 8, 1983.

M. S. HEALY,

*OSD Federal Register Liaison Officer,
Department of Defense.*

DAVA P102-10

SYSTEM NAME:

DAVA Temporary Duty Travel Files.

SYSTEM LOCATION:

Segments are maintained by offices at Headquarters, Defense Audiovisual Agency (DAVA), and its activities. Official mailing addresses are: Defense Audiovisual Agency—Norton Activity, Norton AFB, CA 92409; Defense Audiovisual Agency—Tobyhanna Activity, Tobyhanna, PA 18466; and Defense Audiovisual Agency—Washington Activity, Bldg. 219, Washington Navy Yard, Washington, D.C. 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DAVA military or civilian authorized Government travel orders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of copies of and papers relating to temporary duty travel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority vested in the Secretary of Defense under the provisions of Title 10 U.S.C., he has issued DoD Directive 5040.1, June 12, 1979, creating the Defense Audiovisual Agency (DAVA) as a separate agency of the Department of Defense under his direction. This directive charges the Director, DAVA, with the responsibility of maintaining all necessary and appropriate records.

PURPOSE(S):

This system will permit managers and supervisors to manage and control Temporary Duty Travel within their area of responsibility.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See blanket routine uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Records are filed in secure file containers, locked desks, or rooms accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Temporary records. Destroy after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Audiovisual Agency, ATTN: Administrative Services Division, HQ DAVA-RAP, Building 248, Room 1002A, Norton AFB, CA 92409, telephone: (714) 382-2096.

NOTIFICATION PROCEDURE:

Information may be obtained from Director, Activity Chief or supervisor of organization to which the individual is assigned or at which he/she is employed.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to System Manager or the appropriate supervisor. Written requests for information should contain the full name of the individual, current address and telephone number. For personal visits, the individual should be able to provide some acceptable identification; e.g., driver's license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information furnished by travelers and from the travel offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DAVA P102-01

SYSTEM NAME:

DAVA Office General Personnel Files.

SYSTEM LOCATION:

Segments are maintained by offices at Headquarters, Defense Audiovisual Agency (DAVA), and its activities. Official mailing addresses are: Defense Audiovisual Agency—Norton Activity, Norton AFB, 92409; Defense Audiovisual Agency—Tobyhanna Activity, Tobyhanna, PA 18466; and Defense Audiovisual Agency—Washington Activity, Bldg. 219, Washington Navy Yard, Washington, D.C. 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of DAVA—civilian and military.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consist of copies of and papers relating to time and attendance reports, leave reports, overtime work, work attendance, holidays, athletic events, employee unions, medical services, training, duty assignments, emergency information and similar data on related subjects. List of individuals authorized to receive these services will also be included.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority vested in the Secretary of Defense under the provisions of Title 10, U.S.C., he has issued DoD Directive 5040.1, June 12, 1979, creating the Defense Audiovisual Agency (DAVA) as a separate agency of the Department of Defense under his direction. This directive charges the Director, DAVA, with the responsibility of maintaining all necessary and appropriate records.

PURPOSE(S):

This system will permit managers and supervisors to maintain administrative paperwork on their employees, e.g., overtime work, work attendance, leave reports, and other related items in their day-to-day personnel actions for promotion, adverse actions, training and other related actions. File subject to review by personnel office.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

File subject to Office of Personnel Management (OPM) review.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel with an official need for access.

RETENTION AND DISPOSAL:

Temporary records. Destroy after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Audiovisual Agency, ATTN: Civilian Personnel Division, HQ DAVA-POC, Building 248, Room 1206A, Norton AFB, CA 92409, Telephone: (714) 382-5896.

NOTIFICATION PROCEDURE:

Information may be obtained from the individual's supervisor or manager.

RECORD ACCESS PROCEDURES:

Request, verbal or written, should be addressed to individual's supervisor or manager. Written requests for information should contain the full name of the individual, current address and telephone number, social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification; e.g., driver's license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Copies of papers relative to time and attendance reports, overtime work, work attendance, leave reports, holidays, athletic events, employee unions, medical services, training and related subjects.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DAVA P205-03

SYSTEM NAME:

DAVA Organizational History Files.

SYSTEM LOCATION:

Organizational history files are maintained by offices responsible for the program at Headquarters, Defense Audiovisual Agency (DAVA), and its activities. Official mailing addresses are: Defense Audiovisual Agency—Norton Activity, Norton AFB, CA 92409; Defense Audiovisual Agency—Tobyhanna Activity, Tobyhanna, PA 18466; and Defense Audiovisual Agency—Washington Activity, Bldg. 219, Washington Navy Yard, Washington, DC 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Normally, key personnel from DAVA, mentioned in Agency histories and special studies, are filed in this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Coded abstracts of Agency history items or extracts from other documents retained for historical purposes. This can include historically noteworthy achievements of individuals reflected in the documents from which information was extracted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority vested in the Secretary of Defense under the provisions of Title 10 U.S.C., he issued DoD Directive 5040.1, June 12, 1979, creating the Defense Audiovisual Agency (DAVA) as a separate agency of the Department of Defense under his direction. This directive charges the Director, DAVA, with the responsibility of maintaining all necessary and appropriate records. See also 44, U.S.C. 3101, "Records Management by Federal Agencies."

PURPOSE(S):

This system will permit the historians to maintain paperwork on individuals to document the history of the Agency.

DAVA Historian—To furnish background information on the history of the organization. To obtain up-to-date information on all speeches, articles for magazines and newspapers published or given by an individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Released to news media for Public Relations and Community Affairs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Records are filed in secure file containers, locked desks, or rooms accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Permanent records. Offer to NARS in 5 year blocks when 20 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Audiovisual Agency, ATTN: Historian Division, HQ DAVA-RAH, Building 248, Room 1002A, Norton AFB, CA 92409, Telephone: (714) 382-2096.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the appropriate organization. Written requests for information should contain the full name of the individual, current address and telephone number and social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification; e.g., driver's license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information is obtained from Agency histories, special studies, reports, speeches, newspapers, magazines, and related publications.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SYSTEM NAME:

DAVA Privacy Act Case Files, F01A Requests and Mandatory Declassification Review Files.

SYSTEM LOCATION:

Primary System: Chief, Historian Division (HQ DAVA-RAH), Defense Audiovisual Agency, Building 248, Room 1002A, Norton AFB, CA 92409; Telephone: (714) 382-2096.

Decentralized Segments: Official mailing addresses are: Defense Audiovisual Agency—Norton Activity, Norton AFB, CA 92409; Defense

Audiovisual Agency—Tobyhanna Activity, Tobyhanna, PA 18466; and Defense Audiovisual Agency—Washington Activity, Bldg. 219, Washington Navy Yard, Washington, DC 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who request access to or amendment of information or records concerning themselves which are in custody of Defense Audiovisual Agency (DAVA), under the provisions of Title 5 U.S.C. 552a, the Privacy Act of 1974. Any person who requests documents under, 5 U.S.C. 552, the Freedom of Information Act or mandatory review under E.O. 12356.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain copies of the requests, correspondence between the individual and DAVA custodian officials; written summaries of verbal conversations with the individual; and other documents which are generated in response to the inquiry to include correspondence between DAVA activities and other Federal agencies, retained copies of classified documents, and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority vested in the Secretary of Defense under the provisions of Title 10 U.S.C., he has issued DoD Directive 5040.1, June 12, 1979, creating the Defense Audiovisual Agency (DAVA) as a separate agency of the Department of Defense under his direction. This directive charges the Director, DAVA, with the responsibility of maintaining all necessary and appropriate records. See also 5 U.S.C., 552a, the Privacy Act of 1974, 5 U.S.C. 552, the Freedom of Information Act; and E.O.12356.

PURPOSE(S):

This system will permit responses to requests for information received pursuant to the Privacy Act, and Freedom of Information Act.

Files are used to process and coordinate individual requests for information access, and amendment of personal records; to process and record appeals by the individual from Agency rulings; and to ensure timely response to requesters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See blanket routine uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of requester.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel with an official need for access. Classified documents are stored in locked containers.

RETENTION AND DISPOSAL:

Privacy Act Records. a. Offices of Denial Authority: Approved requests, unappealed denials, and denials fully overruled by appellate authorization: Destroy 5 years after date of reply or after agency's/court final determination, whichever is appropriate. b. Other Offices: Destroy after 4 years.

Freedom of Information Act Records. Records granted access are destroyed 2 years after date of reply; records denied access are destroyed 5 years after date of reply; and records appealed are destroyed 4 years after final denial by agency, or 3 years after adjudication by courts, whichever comes first.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Audiovisual Agency, ATTN: Historian Division, HQ DAVA-RAH, Building 248, Room 1002A, Norton AFB, CA 92409; Telephone: 714/382-2096.

NOTIFICATION PROCEDURES:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Requests verbal or written, should be addressed to the System Manager listed above. Written request for information should contain the full name of the individual, current address and telephone number, social security number. Visits are limited to normal working hours. For personal visits the individual should be able to provide some acceptable identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Records are obtained from individual requester, DAVA organizations,

Department of Defense organizations, and other Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DAVA P402-03

SYSTEM NAME:

DAVA High-Level Inquiries Correspondence Files.

SYSTEM LOCATION:

Primary System: Headquarters, Defense Audiovisual Agency, Historian Division (HQ DAVA-RAH), Norton AFB, CA 92409.

Decentralized Segments: Official mailing addresses are: Defense Audiovisual Agency-Norton Activity, Norton AFB, CA 92409; Defense Audiovisual Agency-Tobyhanna Activity, Tobyhanna, PA 18466; and Defense Audiovisual Agency, Washington Activity, Bldg 219, Washington Navy Yard, Washington, DC 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Constituents who have written their Congressional/White House representatives for aid in resolving consumer problems or their employment with the Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains consumer letters, letters from Members of Congress/White House transmitting the complaints, DAVA acknowledgement of the complaints, and DAVA's replies to the representatives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority vested in the Secretary of Defense under the provisions of title 10, U.S.C., he issued DoD Directive 5040.1, June 12, 1979, creating the Defense Audiovisual Agency (DAVA) as a separate agency of the Department of Defense under his direction. This directive charges the Director, DAVA, with the responsibility of maintaining all necessary and appropriate records. See also 5 U.S.C. 2954 "Information to Committee of Congress on Requests."

PURPOSE(S):

This system will permit responses to requests for information received from Members of Congress/White House representatives.

Used by DAVA employees and by personnel of any DoD agency to which the matter is referred.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used to investigate and attempt to resolve problems conveyed to the constituent's Congressional/White House representative. Referral to other Federal agencies for appropriate action when complaint or matter inquired about comes within the jurisdiction of such agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders.

RETRIEVABILITY:

Folders are indexed by last name of constituent or Member of Congress.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel with an official need for access.

RETENTION AND DISPOSAL:

Temporary records. Destroy after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Audiovisual Agency, ATTN: Historian Division (HQ DAVA-RAH), Building 248, Room 1002A, Norton AFB, CA 92409, Telephone: (714) 382-2096.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to System Manager.

RECORD ACCESS PROCEDURES:

Requests, verbal or written, should be addressed to individual's supervisor or manager. Written requests for information should contain the full name of the individual, current address, telephone number, and social security number. Visits are limited to normal working hours. For personal visits, the individual should be able to provide some acceptable identification; e.g., driver's license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Correspondence originated by employees, members of Congress, and supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DAVA P403-09**SYSTEM NAME:**

DAVA Biography Files.

SYSTEM LOCATION:

Primary System: Headquarters, Defense Audiovisual Agency, Executive Office (HQ DAVA-DE) Norton AFB, CA 92409. Decentralized Segments: Defense Audiovisual Agency—Norton Activity, Norton AFB, CA 92409; Defense Audiovisual Agency—Tobyhanna Activity, Tobyhanna, PA 18466; and Defense Audiovisual Agency—Washington Activity, Bldg. 219, Washington Navy Yard, Washington, D.C. 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Leading military and civilian personalities affiliated with DAVA.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains biographical material to include biographies, photographs, newspaper clippings, and related documents; also, name, grade, social security number, and summary of services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority vested in the Secretary of Defense under the provisions of title 10, U.S.C., he issued DoD Directive 5040.1, June 12, 1979, creating the Defense Audiovisual Agency (DAVA) as a separate agency of the Department of Defense under his direction. This directive charges the Director, DAVA, with the responsibility of maintaining all necessary and appropriate records.

PURPOSE:

This system will enable the Director, DAVA, to maintain documents pertaining to leading military and civilian personalities affiliated with DAVA. Background information for office personnel in dealing with distinguished visitors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See blanket routine uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders.

RETRIEVABILITY:

Field alphabetically by last name of individual.

SAFEGUARDS:

Records are filed in secure file containers, locked desks, or rooms accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Temporary record. Destroy when superseded or obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Audiovisual Agency, ATTN: Executive Assistant (HQ DAVA-DE) Building 248, Room 1023, Norton AFB, CA 92409, Telephone: (714) 382-2281.

NOTIFICATION PROCEDURE:

Information may be obtained from Director, Activity Chief, or supervisor or organization to which the individual is assigned, or at which he/she is employed.

RECORD ACCESS PROCEDURES:

Requests should be addressed to appropriate Activity Chief or supervisor. Written request should include full name of individual and social security number. For personal visits, individual must provide acceptable identification; e.g., driver's license, military or civilian identification card. No identification is required if the individual has previously given consent for release to the general public.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determination may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information received from employee and other personnel records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SYSTEM NAME:

DAVA Security Files

SYSTEM LOCATION:

Primary System: Headquarters, Defense Audiovisual Agency, Security Division (HQ DAVA-RAS) Norton AFB, CA 92409.

Decentralized Segments: Defense Audiovisual Agency-Norton Activity, Norton AFB, CA 92409; Defense Audiovisual Agency-Tobyhanna Activity, Tobyhanna, PA 18466 and Defense Audiovisual Agency-Washington Activity, Building 219, Washington Navy Yard, Washington, D.C. 20374.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DAVA military and civilian employees as well as DAVA contractor employees, consultants and other individuals employed by DAVA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting application and issue of DAVA identification media, individual authorizations for access to classified material, security briefing and debriefing statements as well as the supporting documentation for these. Materials include forms containing the name, signature, photograph and other personal data of the individuals concerned as well as documents supporting the access actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority vested in the Secretary of Defense under Title 10, United States Code, the Secretary issued DoD Directive 5040.1, June 12, 1979, creating the Defense Audiovisual Agency (DAVA) as a separate operating component of the Department of Defense under secretarial direction. This directive charges the Director, DAVA, with the responsibility of maintaining all necessary and appropriate records.

PURPOSE(S):

This system enables DAVA to issue required access media, properly control access to classified material and maintain appropriate security access documentation, such as security briefing/debriefing statements, records of identification cards issued and security authorizations as well as related documentation.

The system is used by the DAVA Security and Personnel Offices to manage the DAVA security program. In addition appropriate information is provided other DAVA activities to verify clearances and access prior to those activities granting access to classified information or material.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the blanket routine uses set forth above, information as to individual authorization for access to classified material may be provided to other agencies when DAVA personnel require access to classified or other materials in the possession of those agencies. Such releases are limited to that information required to verify clearance status and identity.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper and photographic records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of employee.

SAFEGUARDS:

Maintained in areas accessible only to authorized personnel with an official need for access. Any classified records are in properly secured containers during periods of non-use and properly safeguarded at other times.

RETENTION AND DISPOSAL:

Temporary Records. Identification media and supporting documentation is destroyed 3 months after media is returned to issuing office. Access authorization is destroyed 2 years after authorization expires and other documents, to include briefing/debriefing certificates are destroyed two years after separation, retirement or obsolescence.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Audiovisual Agency, ATTN: Security Division (HQ DAVA-RAS), Building 248, Room 1000, Norton AFB, CA 92409; Telephone: 714/382-7000.

NOTIFICATION PROCEDURES:

Requests, verbal or written, should be addressed to the System Manager. Written requests for information should contain the full name of the individual, current address, telephone number, and social security number.

RECORD ACCESS PROCEDURES:

Requests, verbal or written, should be addressed to the System Manager. Written requests for information should contain the full name of the individual, current address, telephone number, and social security number. Visits are limited to normal working hours. For personal visits, the individual should be able to provide some acceptable identification; e.g., driver's license, employing office's identification card, and give some verbal information that could be verified. Direct any questions concerning access rules to the System Manager.

CONTESTING RECORD PROCEDURES:

The Agency's rules for contesting contents and appealing initial determinations may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Report of investigation agency that conducted the background investigation, forms completed by the individual, personnel records and other inquiries and requests.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DAVA P609-3**SYSTEM NAME:**

DAVA Expert and Consultant Data Files.

SYSTEM LOCATION:

Headquarters, Defense Audiovisual Agency, Directorate for Personnel (HQ DAVA-PO), Norton AFB, CA 92409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual employed as an expert or consultant with DAVA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment and education history, salary data, and statement of duties or functions proposed for the expert/consultant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority vested in the Secretary of Defense under the provisions of title 10, U.S.C., he issued DoD Directive 5040.1, June 12, 1979, creating the Defense Audiovisual Agency (DAVA) as a separate agency of the Department of Defense under his direction. This directive charges the Director, DAVA, with the responsibility of maintaining all necessary and appropriate records. See also 5 U.S.C., 3109, "Employment of Experts and Consultants; Temporary or Intermittent."

PURPOSE(S):

To maintain records of employment and education history, salary data, statement of duties, and relative material on the expert/consultant, hired within DAVA.

The purpose of collecting the information is to evaluate the merits of proposed appointments of consultants/experts and to meet Office of Personnel Management (OPM) requirements to maintain such record, or the information is used to obtain final approval by DAVA/DoD on proposed appointments of experts/consultants; users of records are supervisors, civilian personnel and OSD officials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

External user of Office of Personnel Management (OPM).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of expert or consultant.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel with an official need for access.

RETENTION AND DISPOSAL:

Temporary records. Destroy 2 years after separation of employee.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Audiovisual Agency, ATTN: Civilian Personnel Division (HQ DAVA-POC), Building 248, Room 1206B, Norton AFB, CA 92409. Telephone: (714) 382-5896.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to System Manager.

RECORD ACCESS PROCEDURES:

Requests, verbal or written, should be addressed to individual's supervisor or manager. Written requests for information should contain the full name of the individual, current address, telephone number, and social security number. Visits are limited to normal working hours. For personal visits, the individual should be able to provide some acceptable identification; e.g., driver's license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Personnel actions recorded for supervisory records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DAVA P613-02

SYSTEM NAME:

DAVA Appeal and Grievance Files.

SYSTEM LOCATION:

Headquarters, Defense Audiovisual Agency, Directorate for Personnel (HQ DAVA-PO), Norton AFB, CA 92409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former DAVA employees who have filed a grievance or an appeal.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records relating to grievance or appeals filed by Agency employees. These case files contain all documents related to grievance or appeal, including statements of witnesses, reports of interview and hearings, examiner's reports, recommendations, a copy of the original and final decision, and related correspondence or exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pursuant to the authority vested in the Secretary of Defense under the provisions of title 10, U.S.C., he issued DoD Directive 5040.1, June 12, 1979, creating the Defense Audiovisual Agency (DAVA) as a separate agency of the Department of Defense under his direction. This directive charges the Director, DAVA, with the responsibility of maintaining all necessary and appropriate records. See also 5 U.S.C., 2302, "Prohibited Personnel Practices," and U.S.C. 7121, "Grievance Procedures."

PURPOSE(S):

To maintain records relative to appeals and grievances filed by DAVA employees.

To evaluate the merits of employee grievances and to make decisions on grievances and for use in appeal proceedings by personnel office and supervisors.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

External users are employee representatives, Office of Personnel Management, Equal Employment Opportunity Office, local union officials, and hearing officers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders.

RETRIEVABILITY:

Filed alphabetically by last name of the individuals about whom the records are maintained.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel with an official need for access. Classified documents are stored in locked containers.

RETENTION AND DISPOSAL:

Temporary records. Destroy 3 years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Audiovisual Agency, ATTN: Civilian Personnel Division (HQ DAVA-POC), Building 248, Room 1206B, Norton AFB, CA 92409. Telephone: (714) 382-5896.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Requests, verbal or written, should be addressed to individual's supervisor or manager. Written requests for information should contain the full name of the individual, current address, telephone number, and social security number. Visits are limited to normal working hours. For personal visits, the individual should be able to provide some acceptable identification; e.g., driver's license, employing office's identification card, and give some verbal information that could be verified.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from:

- The individual on whom the record is maintained.
- Testimony of witnesses.
- Agency officials, and
- Related correspondence from organizations or persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-21938 Filed 8-10-83; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army**Intent To Grant a Limited Exclusive Patent License to Duke University**

Pursuant to the provisions of the General Services Administration's licensing regulations, the Department of

the Army announces its intention to grant to Duke University, a corporation of the State of North Carolina, a limited exclusive license under U.S. Patent Numbers 4,209,510 issued June 24, 1980, entitled "Ammonia-Cyanoborane, sodium iodine complex;" 4,312,989 issued January 26, 1982, entitled "Pharmacologically Active Amine Boranes;" 4,368,194 issued January 11, 1983, entitled "Pharmacologically Active Amine Boranes;" and patent application serial number 106,416 filed December 21, 1979, entitled "Pharmacological Active Amine-Carboxyboranes" invented by Bernard F. Spielvogel et al.

This license will be granted unless compelling reasons for not granting such a license are received by the Chief, Patents, Copyrights and Trademarks Division, Office of The Judge Advocate General, Department of the Army, Washington, DC 20310 within 60 days of this notice.

For further information concerning this notice, contact Mr. Eugene E. Stevens, III, HQDA (DAJA-IP) Pentagon—Room 2D 444, Washington, DC 20310, Telephone No. (Area Code 202) 695-9356.

John O. Roach II,

Army Liaison Officer, With the Federal Register.

[FR Doc. 83-21980 Filed 8-10-83; 8:45 am]
BILLING CODE 3710-08-M

Defense Logistics Agency

Privacy Act of 1974; Deletion of Notice for System of Record

AGENCY: Defense Logistics Agency (DLA), Defense.

ACTION: Deletion of Notice for System of Record.

SUMMARY: The Defense Logistics Agency (DLA) proposes to delete the notice for a system of record subject to the Privacy Act of 1974.

DATES: This action will be effective without further notice on September 12, 1983.

ADDRESSES: Send any comments to: Mr. Preston B. Speed, Chief, Administrative Management Branch, HQ Defense Logistics Agency, Cameron Station, Alexandria, VA 22314; Telephone: 202/274-6234.

FOR FURTHER INFORMATION CONTACT: Mr. Speed at the above address and telephone number.

SUPPLEMENTARY INFORMATION: The DLA notices for systems of record subject to the Privacy Act of 1974, as amended, 5 U.S.C. 552a, were last published in the

Federal Register at 48 FR 26199, June 6, 1983.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

August 8, 1983.

Deletion

§ 150.20 DLA-T

System Name

Security Violations Files

Reason

The information in this system is no longer retrievable by personal identifier.

[FR Doc. 83-21937 Filed 8-10-83; 8:45 am]

BILLING CODE 3010-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, Miscible Displacement Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice of Meeting

Notice is hereby given that the Miscible Displacement Task Group of the Committee on Enhanced Oil Recovery will meet in September 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Miscible Displacement Task Group meeting follows:

The Miscible Displacement Task Group will hold its ninth meeting on Tuesday and Wednesday, September 20 and 21, 1983, starting at 9:00 a.m. each day, in Room 1603, Mobile Exploration and Production Services, Inc., 7200 North Stemmons Freeway, Dallas, Texas.

The tentative agenda for the Miscible Displacement Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Miscible Displacement

Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Miscible Displacement Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on August 5, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-21928 Filed 8-10-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Coordinating Subcommittee of the Committee on Enhanced Oil Recovery; Meeting

Notice of Meeting

Notice is hereby given that the Coordinating Subcommittee of the NPC Committee on Enhanced Oil Recovery will meet in September 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Coordinating Subcommittee meeting follows:

The Coordinating Subcommittee will hold its tenth meeting on Wednesday, September 14, 1983, starting at 9:30 a.m., in the Venice I and II Rooms of the Guests Quarters Galleria West, 5353 Westheimer Road, Houston, Texas.

The tentative agenda for the Coordinating Subcommittee meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Discuss study assignments.
3. Review task group study assignments.
4. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Gerald J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-2918, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on August 5, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-21829 Filed 8-10-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Thermal Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice of Meeting

Notice is hereby given that the Thermal Task Group of the Committee on Enhanced Oil Recovery will meet in September 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Thermal Task Group meeting follows:

The Thermal Task Group will hold its eighth meeting on Wednesday, September 7, 1983, starting at 8:30 a.m.,

in the Western Division Conference Room of the Getty Oil Company, 5329 Office Centre Court, Bakersfield, California.

The tentative agenda for the Thermal Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Thermal Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Thermal Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on August 5, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-21830 Filed 8-10-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Chemical Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice of Meeting

Notice is hereby given that the Chemical Task Group of the Committee on Enhanced Oil Recovery will meet in August 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The

time, location, and agenda of the Chemical Task Group meeting follows:

The Chemical Task Group will hold its eleventh meeting on Wednesday and Thursday, August 31 and September 1, 1983, starting at 8:30 a.m. each day, in Room 112, Phillips Petroleum Company, Research Forum, Bartlesville, Oklahoma.

The tentative agenda for the Chemical Task Group Meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Chemical Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Chemical Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on August 5, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-21831 Filed 8-10-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Costs and Economics Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice of Meeting

Notice is hereby given that the Costs and Economics Task Group of the Committee on Enhanced Oil Recovery will meet in August 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters related to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the

technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and finding will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Costs and Economics Task Group meeting follows:

The Costs and Economics Task Group will hold its ninth meeting on Friday, August 26, 1983, starting at 9:00 a.m., in the Mount Yale Room, Stapleton Plaza Hotel and Athletic Center, 3333 Quebec Street, Denver, Colorado.

The tentative agenda for the Costs and Economics Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Costs and Economics Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Costs and Economics Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas, and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provisions will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on August 5, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-21932 Filed 8-10-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Proposed Remedial Order to Landsea Holding Company (formerly, UCO Oil Company)

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Proposed Remedial Order to Landsea Holding Company (formerly UCO Oil Co.).

SUMMARY: Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA), of the Department of Energy (DOE) gives notice that a Proposed Remedial Order (PRO) was issued on July 20, 1983 to Landsea Holding Company (LHC) which was formerly known as UCO Oil Company ((UCO). The company's address is 2100 S.E. Main Street (P.O. Box 19603), Irvine, California 92713. Any aggrieved person may file a Notice of Objection to the Proposed Remedial Order in accordance with 10 CFR 205.193 on or before the fifteenth day after the publication of this Notice, or on the first federal workday thereafter.

In this Proposed Remedial Order, ERA sets forth proposed findings of fact and conclusions of law concerning sales of crude oil in Southern California by UCO during the years 1978 and 1979. The PRO alleges that UCO overcharged its customers by \$5,608,096 in violation of the price regulations applicable to resales of crude oil, as set forth in 10 CFR Part 212, Subpart L.

Specifically, the PRO alleges that UCO: (1) Failed to determine a "permissible average markup" in accordance with 10 CFR 212.182; (2) failed to prepare or maintain records in accordance with 10 CFR 210.92(a) and 212.187(a); and (3) sold crude oil at prices in excess of lawful prices, in violation of 10 CFR 212.183.

Copies of the PRO, with confidential information deleted, may be obtained by writing: Raymond G. Gong, Chief Counsel, San Francisco Office, Economic Regulatory Administration, U.S. Department of Energy, 333 Market Street (6th Floor), San Francisco, CA 94105.

Aggrieved persons may object to this Proposed Remedial Order by filing a Notice of Objection to the Proposed Remedial Order. This notice must comply with the requirements of 10 CFR 205.193. To be considered, a Notice of Objections must be filed with: Office of Hearings and Appeals, Department of Energy, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461.

The notice must be filed in duplicate, by 4:30 p.m. EDT on or before the fifteenth day after publication of this Notice, or the first federal workday thereafter. In addition, a copy of the Notice of Objection must, on the same day as filed, be served on LHC and on each of the following persons pursuant to 10 CFR 205.193(c):

Raymond G. Gong, Chief Counsel, San Francisco Office, Economic

Regulatory Administration, U.S. Department of Energy, 333 Market Street, Sixth Floor, San Francisco, CA 94105;

Theodore A. Miles, Assistant General Counsel for Administrative Litigation, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

No data or information which is confidential should be included in any Notice of Objection.

Issued in San Francisco, California on the 20th day of July 1983.

Raymond G. Gong,

Chief Counsel, Economic Regulatory Administration, San Francisco Office.

[FR Doc. 83-21934 Filed 8-10-83; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Order to V-1 Oil Company and Sam H. Bennion

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Proposed Remedial Order to V-1 Oil Company and Sam H. Bennion.

SUMMARY: Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA), of the Department of Energy (DOE) gives notice that a Proposed Remedial Order (PRO) was issued on July 29, 1983, to V-1 Oil Company and Sam H. Bennion, both located at 1800 North Holmes Avenue (Post Office Box 2436), Idaho Falls, Idaho 83401. Any aggrieved person may file a Notice of Objection to the Proposed Remedial Order in accordance with 10 CFR 205.193 on or before the fifteenth day after the publication of this Notice, or on the first federal workday thereafter.

In this Proposed Remedial Order, ERA sets forth proposed findings of fact and conclusions of law concerning sales of propane to V-1's "wholesale" class of purchaser in the states of Missouri, Oklahoma, Kansas, Texas, Utah, and Wyoming during the period October 1, 1973 through March 31, 1974. During that period V-1 Oil Company and Sam H. Bennion, as the President and controlling shareholder of the corporation, are alleged to have overcharged purchasers of propane by \$145,646.91 in violation of the price rules applicable to resales of propane set forth in 6 CFR Part 150, Subpart L and 10 CFR Part 212, Subpart F.

Requests for copies of the Proposed Remedial Order, with confidential information deleted, should be directed to: Raymond G. Gong, Chief Counsel, Economic Regulatory Administration, U.S. Department of Energy, 333 Market

Street, Sixth Floor, San Francisco, CA 94105.

Aggrieved persons may object to this Proposed Remedial Order by filing a Notice of Objection to the Proposed Remedial Order. This notice must comply with the requirements of 10 CFR 205.193. To be considered, a Notice of Objection must be filed with: Office of Hearings and Appeals, Department of Energy, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461.

The notice must be filed in duplicate, by 4:30 p.m. EDT on or before the fifteenth day after publication of this Notice, or the first federal workday thereafter. In addition, a copy of the Notice of Objection must, on the same day as filed, be served on V-1 Oil Company and Sam H. Bennion and on each of the following persons pursuant to 10 CFR 205.193(c):

Raymond G. Gong,
Chief Counsel, San Francisco Office,
Economic Regulatory Administration,
U.S. Department of Energy,
333 Market Street, Sixth Floor,
San Francisco, CA 94105

Theodore A. Miles,
Assistant General Counsel for
Administrative Litigation,
U.S. Department of Energy,
1000 Independence Avenue, SW.,
Washington, D.C. 20585

No data or information which is confidential should be included in any Notice of Objection.

Issued in San Francisco, California on the 29th day of July, 1983.

Raymond G. Gong,
Chief Counsel, Economic Regulatory
Administration, San Francisco Office.

[FR Doc. 83-21833 Filed 8-10-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP82-236-003]

Columbia Gulf Transmission Co. and Columbia Gas Transmission Corp. Petition To Amend

August 8, 1983.

Take notice that on July 14, 1983, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 883, Houston, Texas 77001, and Columbia Gas Transmission Corporation (Columbia Gas), 1700 McCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP82-236-003 a petition to amend the order issued August 6, 1982, in Docket No. CP82-236-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the addition of Panhandle Eastern Pipe Line Company (Panhandle

as a party to the transportation Gulf, Columbia Gas, and Trunkline Gas Company (Trunkline), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued August 6, 1982, Columbia Gulf, Columbia Gas, and Trunkline were authorized to exchange up to 20,000 Mcf of natural gas per day between points in offshore Louisiana. Columbia Gas delivered volumes of natural gas to Trunkline at Eugene Island Block 392, offshore Louisiana. Trunkline delivered natural gas to Columbia Gulf's facilities in West Cameron Block 624, offshore Louisiana. It is stated that Trunkline and Columbia Gas would receive exchange gas from offshore Louisiana and transport such volumes of natural gas to an existing interconnection between the facilities of Trunkline and Columbia Gulf located near Centerville, St. Mary Parish, Louisiana.

Columbia Gulf and Columbia Gas now request amendment of the August 6, 1982, order so as to make Panhandle a party to the exchange in order to allow Panhandle to deliver volumes of natural gas to Columbia Gulf in West Cameron Block 624 for the account of Trunkline as part of Columbia Gulf's, Columbia Gas', and Trunkline's exchange volumes of 20,000 Mcf per day. Columbia Gulf and Columbia Gas state that except for the addition of Panhandle as a party to the exchange, all other terms and conditions of the transportation and exchange agreement would remain in full force and effect.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 29, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21953 Filed 8-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6356-001]

Energenics Systems Inc.; Surrender of Preliminary Permit

August 8, 1983.

Take notice that Energenics Systems Inc. (ESI), Permittee for the Barre Falls Dam, Project No. 6356 located on the Caney River in Osage County, Oklahoma has requested that its permit be terminated. The preliminary permit was issued on November 26, 1982, and would have expired on May 31, 1984.

ESI states that the lack of adequate head and flow has rendered the site infeasible.

ESI's request was dated June 6, 1983. The surrender of the permit is effective 30 days from the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21954 Filed 8-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-52-000]

Gulf States Utilities Co.; Amended Application

August 8, 1983.

Take notice that on June 27, 1983, Gulf States Utilities Company (Applicant) filed an Application pursuant to Section 204 of the Federal Power Act to guarantee the payment of up to \$285,000,000 of Pollution Control Revenue Bonds to be issued by the Parish of West Feliciana, State of Louisiana for pollution control facilities at the River Bend Nuclear Plant. On July 26, 1983, Applicant filed an amendment to its application for authority to negotiate and to issue Bonds as security for the Parish Bonds.

Any person desiring to be heard or to make any protest with reference to the said Application should, on or before August 26, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21955 Filed 8-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-435-000]

The Inland Gas Co., Inc., Application

August 5, 1983.

Take notice that on July 21, 1983, The Inland Gas Company, Inc. (Applicant), 340 17th Street, Ashland, Kentucky 41101, filed in Docket No. CP83-435-000 and application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas and for the construction and operation of appurtenant facilities necessary to deliver gas to the Big Sandy Diesel Service (Big Sandy), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 52 feet for 2-inch pipeline and appurtenant measuring and regulating facilities in Boyd County, Kentucky, in order to establish a point of delivery to Big Sandy, a new direct sale customer. Applicant states that Big Sandy would use the gas for space heating and hot water which would require approximately 10 Mcf of gas per day.

It is stated that the proposed facilities are estimated to cost \$2,800 and that said cost would be financed with funds generated from internal sources.

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. 83-21956 Filed 8-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5845-001]

Keys Mills Hydro Associates; Surrender of Preliminary Permit

August 8, 1983.

Take notice that Keys Mills Hydro Associates, Permittee for the proposed Keys Mills Hydropower Project No. 5845, has requested that its preliminary permit be terminated. The permit was issued on August 11, 1982 and would have expired on January 31, 1984. The project would have been located on the Maury River in Rockbridge County, Virginia.

The Permittee filed its request on July 20, 1983, and the surrender of the preliminary permit for Project No. 5845 is deemed accepted 30 days after issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21957 Filed 8-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-25-002]

Mississippi River Transmission Corp.; Rate Change Filing

August 8, 1983.

Take notice that on August 1, 1983, Mississippi River Transmission Corporation ("Mississippi") tendered for filing Eighty-Seventh Revised Sheet No. 3A and Eighth Revised Sheet No. 3D to its FERC Gas Tariff, First Revised Volume No. 1. An effective date of September 1, 1983 is proposed.

Eighty-Seventh Revised Sheet No. 3A is being submitted pursuant to Mississippi's gas tariff to track pipeline and producer rate changes and to recover gas costs which have accumulated in Mississippi's Unrecovered Purchased Gas Cost Account, and also reflects base rate adjustments being made in accordance with the Stipulation and Agreement in Mississippi's rate case at Docket No.

RP81-48. Eighth Revised Sheet No. 3D indicates that Mississippi projects zero incremental pricing surcharges to its direct market and sale for resale customers.

Mississippi states that the overall effect of the filed for PGA and base rate adjustments is to increase its CD-1 demand rates by \$1.196 per Mcf and to decrease CD-1 and PI-1 commodity rates by \$.0857 per Mcf. The annualized cost impact of such adjustments is an approximate \$0.3 million increase.

The instant filing also contained Alternate Eighty-Seventh Revised Sheet No. 3A carrying an effective date of September 1, 1983. Such sheet tracks an alternate PGA tariff sheet filed by Trunkline Gas Company, one of Mississippi's pipeline suppliers, also to be effective September 1, 1983.

Mississippi states that the annualized cost impact of the rate adjustments on the Alternate Sheet is an approximate \$19.6 million increase. Mississippi proposed that Alternate Eighty-Seventh Revised Sheet No. 3A be made effective in the event the Commission approves the underlying Trunkline alternate rate sheet.

Mississippi states that copies of its filing have been served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or 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. 83-21959 Filed 8-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP72-82-000]

Mobil Oil Corp., Surrender of Exemption

August 8, 1983.

Take notice that on July 18, 1983, Mobil Oil Corporation (Mobil), Nine Greenway Plaza, Houston, Texas 77046,

filed in Docket No. CP72-82-000 a surrender of declaration of exemption granted pursuant to Section 1(c) of the Natural Gas Act, all as more fully set forth in the surrender of exemption which is on file with the Commission and open to public inspection.

It is asserted that by declaration of exemption dated July 21, 1972, in Docket No. CP72-82 the Vanderbilt-Beaumont pipeline system in southeastern Texas was declared exempt from the provisions of the Natural Gas Act. It is further asserted that by general conveyance, agreement and assignment dated May 16, 1983, but effective January 1, 1983, Mobil assigned all its rights to the Vanderbilt-Beaumont pipeline system to Mobil Exploration Company Inc. Mobil states that it therefore no longer owns and operates said pipeline system and discontinued prior direct sales to nonaffiliated, direct industrial customers for consumption wholly within Texas. Mobil, therefore, requests approval of surrender of the subject declaration of exemption.

Any person desiring to be heard or to make any protest with reference to said surrender of exemption should on or before August 29, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-21961 Filed 8-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-417-000]

**National Fuel Gas Supply Corp.;
Request Under Blanket Authorization**

August 8, 1983.

Take notice that on July 14, 1983, National Fuel Gas Supply Corporation (National Fuel), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP83-417-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that National Fuel proposes to add two new points of delivery to its affiliate, National Fuel Gas Distribution

Corporation (Distribution), under authorization issued in Docket No. CP83-4-000 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.

National Fuel proposes to construct and operate tap facilities necessary to provide two additional points of delivery to Distribution in Norwich Township, McKean County, Pennsylvania. National Fuel states that the volumes of gas to be provided through the new points of delivery are within its currently authorized level of sales. National Fuel further states that it would provide this service pursuant to its Rate Schedule RQ.

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 therefore, 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. 83-21961 Filed 8-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI83-347-000]

**Shell Oil Co. and Chaparro Gathering
Co.; Petition for Declaratory Order**

August 8, 1983.

Take notice that on July 25, 1983, Shell Oil Company (Shell) and Chaparro Gathering Company, its wholly owned subsidiary, (Petitioners) filed a joint petition for expedited issuance of a declaratory order pursuant to Rules 203 and 207 of the Commission's Rules of Practice and Procedure, requesting an order declaring that certain intrastate gathering facilities and operations in Hidalgo, Brooks, and Jim Wells Counties, Texas, which are now utilized exclusively in intrastate commerce upstream of the Mobil La Gloria Gas processing plant, shall continue to be exempt from Commission jurisdiction under Section 1(b) of the Natural Gas Act (NGA) if used to gather natural gas

purchased for resale in interstate commerce.

Shell affirms that it owns and operates pipeline and associated facilities for the gathering of natural gas for delivery to Mobil Oil Corporation's La Gloria Gas Processing Plant in Jim Wells County, Texas. Further Shell avers that it owns certain processing rights in the La Gloria Plant for its own production and that of its third party gathering customers.

Also Shell states that it owns separation and dehydration facilities in the McAllen Ranch Field, Hidalgo County, Texas and that a connecting line was constructed therefrom to the La Gloria plant; this line is known as the Chaparro pipeline, consisting of 47.72 miles of sixteen-inch pipeline and one six-inch and five four-inch field laterals ranging from ten feet to two miles in length.

Further with respect to the Chaparro line, Shell affirms that, with the exception of its own gas, it does not take title to any gas gathered through the Chaparro facilities, but that it functions as a third party gatherer. Moreover, Shell avers that in addition to delivering intrastate gas from its separation and dehydration facilities, it also gathers intrastate gas from eight producers at six points along the Chaparro line. Shell states that while the average throughput of the Chaparro line during 1982 was 26,864 Mcf per day, with the majority of this volume being Shell's own production, the line has a maximum capacity of 95,000 Mcf per day.

Shell states that no interstate gas has been gathered through the Chaparro line and that all interstate gas flowing from its McAllen Ranch central facilities for separation and dehydration flows into the Valero Interstate Transmission Company's system. Shell avers that in the future it plans to use the Chaparro line to gather some interstate gas if the Commission finds that such activity would not render the line jurisdictional.

The petitioners assert that they are in need of an immediate declaratory order because Valero Transmission Company's facilities upstream of the La Gloria plant are soon to be shut in for a period of 60-90 days or more for operational testing. Shell asseverates that its Chaparro line could handle a portion of the interstate gas to help prevent disruptions in the flow of interstate gas but will not be so utilized unless the Commission first determines that such action would not render the Chaparro line jurisdictional.

Any person desiring to be heard or to protest with reference to said petition should on or before August 29, 1983, file

with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rule of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-21964 Filed 8-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6187-001]

Michael E. Springer and James Baynard Boulden; Surrender of Preliminary Permit

August 8, 1983.

Take notice that Michael E. Springer and James Baynard Boulden, Permittees for the Camp Antelope Hydroelectric Project, FERC No. 6187, have requested that their preliminary permit be terminated. The preliminary permit for Project No. 6187 was issued on August 11, 1982, and would have expired on April 2, 1984. The project would have been located on an unnamed spring in Mono County, California.

Michael E. Springer and James

Baynard Boulden filed the request on June 20, 1983, and the surrender of the preliminary permit for Project No. 6187 is deemed accepted as of June 20, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-21958 Filed 8-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-3653-001, et al.]

Sun Exploration and Production Co., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

August 8, 1983.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
G-3653-001, June 16, 1983	Sun Exploration and Production Company, Post Office Box 20, Dallas, Texas 75221.	Columbia Gas Transmission Corporation, Ellis Field, Acadia Parish, Louisiana.	(1)	15.025
G-7137-000, D, July 27, 1983	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77252.	Mississippi River Transmission Corporation, Woodlawn Field, Harrison County, Texas.	(2)	
G-12347-000, July 11, 1983	Gatty Oil Company, Post Office Box 1404, Houston, Texas 77251.	Texas Eastern Transmission Corporation, Yoward Field, Bue County, Texas.	(2)	14.65
G-19409-000, D, July 25, 1983	Sun Exploration and Production Company, Post Office Box 20, Dallas, Texas 75221.	Panhandle Eastern Pipe Line Company, S.W. Hayner Field, Stafford County, Kansas.	(2)	
G-20146-000, June 17, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Transcontinental Gas Pipe Line Corporation, San Miguel Creek Field, McMullen County, Texas.	(2)	14.65
C166-443-000, D, July 25, 1983	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Michigan Wisconsin Pipe Line Company, Buck Point Field, Vermilion Parish, Louisiana.	(2)	
C175-324-000, D, July 15, 1983	Sun Exploration and Production Company, Post Office Box 20, Dallas, Texas 75221.	Arkansas Louisiana Gas Company, Wilburton Field, Latimer County, Oklahoma.	(2)	
C175-678-001, C, June 28, 1983	Texas Eastern Exploration Co., P.O. Box 2521, Houston, Texas 77252.	Texas Eastern Transmission Corporation, Block 349, Eugene Island Area, South Addition, Offshore Louisiana.	(2)	15.025
C182-312-002, July 25, 1983	Amerasia Hess Corporation, P.O. Box 2040, Tulsa, Oklahoma 74102.	Texas Eastern Transmission Corporation, West Delta Area, Block 86 Field, Offshore Louisiana.	(2)	15.025
C183-271-000, A, June 17, 1983	Texaco Inc., P.O. Box 80252, New Orleans, Louisiana 70160.	Transcontinental Gas Pipe Line Corporation, Brazos Area, Block A-7 Field, Offshore Texas.	(12)	14.65
C183-337-000, A, July 22, 1983	Exxon Corporation, P.O. Box 2160, Houston, Texas 77001.	Southern Natural Gas Company, Mustang Island Block A-90 Field, Offshore Texas.	(11)	14.65
C183-338-000, (C174-214), B, July 25, 1983	Farmland Industries, Inc., P.O. Box 7305, Kansas City, Missouri 64116.	Montana-Dakota Utilities Co., Joe Creek Gas Plant, Campbell County, Wyoming.	(12)	
C183-339-000, A, July 25, 1983	Southland Royalty Company, 801 Cherry Street, Fort Worth, Texas 76102.	Transcontinental Gas Pipe Line Corporation, Vermilion Block 76, Offshore Louisiana.	(12)	15.025
C183-340-000, A, July 25, 1983	American Petrofina Company of Texas, P.O. Box 2159, Dallas, Texas 75221.	Valero Interstate Transmission Company, Los Tortos North Field, Hidalgo County, Texas.	(14)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
C183-341-000, B, July 22, 1983	John O. McCabe, P.O. Box 5705, Midland, Texas 79701.	Northern Natural Gas Company, Wellman (West) Field, Terry County, Texas.	(1 ¹⁹)	
C183-342-000, B, July 22, 1983	National Cooperative Refinery Association, 500 Farmers & Bankers Life Building, Wichita, Kansas 67202.	Northern Natural Gas Company, Kibby Field, Terry #1 Well, Harper County, Oklahoma.	(1 ¹⁹)	
C183-343-000, B, July 22, 1983	National Cooperative Refinery Association, 500 Farmers & Bankers Life Building, Wichita, Kansas 67202.	Northern Natural Gas Company, Kibby Field, Richardson #1-24 Well, Harper County, Oklahoma.	(1 ¹⁹)	
C183-344-000, (C162-1448), B, July 25, 1983.	Diamond Shamrock Corporation, (Successor to The Shamrock Oil and Gas Corporation), P.O. Box 831, Amarillo, Texas 79173.	El Paso Natural Gas Company, J. W. Daniel et ux Lease, Sec. 560, Block 43, H&T.C. RR Co. Survey, Ochiltree County, Texas.	(1 ¹⁹)	
C183-345-000, B, July 27, 1983	Horizon Oil & Gas Co., P.O. Box 1020, Dallas, Texas 75221.	Northern Natural Gas Company, Cleveland Field, Ochiltree County, Texas.	(1 ¹⁹)	
C183-346-000, B, July 27, 1983	Samedan Oil Corporation, P.O. Box 909, Ardmore, Oklahoma 73401.	Transcontinental Gas Pipe Line Corporation, Washington Field, Bayou Chaland Area, Plaquemines Parish, Louisiana.	(2 ¹⁹)	
C177-784-001, July 7, 1983.	Kerr-McGee Corporation, Kerr-McGee Center, Oklahoma City, Oklahoma 73125.	Southern Natural Gas Company, Breton Sound Area Block 29, Plaquemines Parish, Louisiana.	(1 ¹⁹)	15.025
C178-250-001, July 7, 1983.	Kerr-McGee Corporation, Kerr-McGee Center, Oklahoma City, Oklahoma 73125.	Southern Natural Gas Company, Breton Sound Area Block 36, Plaquemines Parish, Louisiana.	(1 ¹⁹)	15.025
C178-460-001, July 7, 1983.	Kerr-McGee Corporation, Kerr-McGee Center, Oklahoma City, Oklahoma 73125.	Southern Natural Gas Company, Breton Sound Area Block 29, Plaquemines Parish, Louisiana.	(1 ¹⁹)	15.025

¹ Applicant is filing to change in delivery point.

² Lease terminated in 1972 due to the plugging and abandoning of the only well in the unit which was a dry hole.

³ Applicant is filing under Gas Purchase Contract dated March 25, 1980, amended by amendment dated July 7, 1983.

⁴ Lack of production of additional operations sufficient to hold leases. Expired November 1, 1980.

⁵ Applicant is filing to amend certificate to include additional working interest acquired under sole risk provision of operating agreement.

⁶ Shell Leases L-18699-A and L-18700-A have terminated due to noneconomic production for a period of 90 days or more.

⁷ Claude Wilson Unit Well No. 1 was plugged and abandoned October 22, 1982. Lease expired by its own terms.

⁸ Applicant is filing under Gas Purchase Contract dated April 22, 1975, amended by Letter Agreement dated April 12, 1983.

⁹ Applicant is filing to add additional delivery point.

¹⁰ Applicant is filing under Gas Sales and Purchase Agreement dated April 27, 1983.

¹¹ Applicant agrees to accept a permanent Certificate of Public Convenience and Necessity covering the subject sale conditioned in accordance with the Natural Gas Policy Act of 1978 and the Commission's Regulations under said Act.

¹² Declining volumes of gas.

¹³ Applicant is filing under Gas Purchase Agreement dated October 5, 1981, amended by Ratification and Amendment to Gas Purchase Agreement dated June 9, 1983.

¹⁴ Applicant is filing under Gas Purchase Contract dated May 14, 1983.

¹⁵ Because of low monthly gas production volumes, low BTU gas (453 BTU per 1000MCF) and excessive operational problems the working interest owners did not receive sufficient proceeds from the sale of gas to recover operating charges.

¹⁶ Production was suspended in early 1979 with the collapse of both casing strings. An unsuccessful attempt to save the well was made, and the well was plugged and abandoned on May 10, 1979. Well plugged after receiving Oklahoma Corporation Commission permission.

¹⁷ Reservoir pressure depleted until the well was unable to feed gas to the compressor at 50 psi suction pressure. After two uphole zones were tested and determined to be non-commercial, the well was deemed uneconomical, and was plugged and abandoned on June 19, 1980. Well plugged after receiving Oklahoma Corporation Commission permission.

¹⁸ Both wells covered by the rate schedule have been plugged, and the oil and gas lease has expired.

¹⁹ No longer commercial.

²⁰ Due to depletion of gas reserves.

Filing Code: A—Initial Service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Total Succession, F—Partial Succession.

[FR Doc. 83-21965 Filed 8-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP72-157-064]

Texas Eastern Transmission Corp.; Filing of Pipeline Refund Reports and Refund Plans

August 8, 1983.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 24, 1983. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
7/5/83	Texas Eastern Transmission, Corp.	RP72-157-064	Report.
7/25/83	Eastern Shore, Natural Gas Co.	RP72-134-029	Do.
7/25/83	Michigan Wisconsin, Pipe Line Co.	RP82-1-003	Do.
7/25/83	Michigan Wisconsin, Pipe Line Co.	RP81-61-012 and RP82-80-009.	Do.
7/26/83	Lawrenceburg Gas, Transmission, Corp.	RP78-37-010	Do.
7/29/83	Consolidated Gas, Supply Corp.	RP72-157-065	Do.
7/29/83	El Paso, Natural Gas Co.	RP79-12-017	Do.
8/1/83	KN Energy, Inc.	RP82-8-002	Do.
8/1/83	National Fuel Gas, Supply Corp.	RP82-13-006	Do.

[FR Doc. 83-21966 Filed 8-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP83-35-006, et al.]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

August 5, 1983.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on August 2, 1983 tendered for filing as part of its FERC Gas Tariff revised Tariff sheets pursuant to the Commission's "Order Approving Settlement" issued July 14, 1983 in the subject dockets resolving all issues in those dockets with the exception of those items reserved for hearing in Article XV of the settlement.

Article III of the settlement agreement provides that Texas Eastern will file revised tariff sheets as set forth in the appendices to the settlement and make refunds to its jurisdictional customers within a prescribed time after the Commission's order approving this settlement becomes final and no longer subject to rehearing.

In anticipation of the July 14, 1983 Order becoming a final order, Texas Eastern hereby submits for filing the above mentioned tariff sheets and tariff sheets and supporting schedules pursuant to the Stipulation and Agreement reflecting adjusted base tariff rates to be effective July 1, 1983.

The instant filing and request for Commission approval is contingent upon the July 14 Order becoming final and no longer subject to rehearing on August 13, 1983.

Accordingly, Texas Eastern herewith submits for filing as a part of its currently effective FERC Gas Tariff, six copies each of the following sheets:

1. *Fourth Revised Volume No. 1.*
 - (a) *Effective as of February 14, 1982.*
 - Substitute Second Revised Sheet No. 18
 - Substitute Second Revised Sheet No. 25
 - Substitute First Revised Sheet No. 26
 - Substitute Second Revised Sheet No. 29
 - Substitute First Revised Sheet No. 38
 - Substitute First Revised Sheet No. 42
 - Substitute First Revised Sheet No. 51
 - Substitute Second Revised Sheet No. 55
 - Substitute First Revised Sheet No. 56
 - Second Substitute First Revised Sheet No. 58
 - Third Revised Sheet No. 61
 - Third Revised Sheet No. 62
 - Second Revised Sheet No. 63
 - Original Sheet No. 63A
 - First Revised Sheet No. 66
 - Second Revised Sheet No. 67
 - Substitute First Revised Sheet No. 95A
 - Substitute Fourth Revised Sheet No. 96
 - First Revised Sheet No. 102C
 - Substitute Original Sheet No. 102D
 - (b) *Effective as of March 1, 1982.*
 - Second Revised Sheet No. 75
 - Substitute First Revised Sheet No. 120
 - Substitute Original Sheet No. 121
 - Substitute Original Sheet No. 122
 - Substitute Original Sheet No. 123
 - Original Sheet No. 124
 - Fourth Revised Sheet No. 125-141
 - (c) *Effective as of April 1, 1982.*
 - Substitute Original Sheet No. 69
 - Substitute Original Sheet No. 70
 - Substitute Original Sheet No. 71
 - (d) *Effective as of March 1, 1983.*
 - Fifth Revised Sheet No. 97
 - Fifth Revised Sheet No. 98
 - Fifth Revised Sheet No. 101
 - Fifth Revised Sheet No. 175
 - (e) *Effective as of July 1, 1983.*
 - Revised Second Substitute Revised Second Substitute Sixty-fourth Revised Sheet No. 14
 - Revised Second Substitute Revised Substitute Sixty-fourth Revised Sheet No. 14A
 - Revised Second Substitute Revised Substitute Sixty-fourth Revised Sheet No. 14B
 - Revised Second Substitute Revised Substitute Sixty-fourth Revised Sheet No. 14C
 - Revised Second Substitute Revised Substitute Sixty-fourth Revised Sheet No. 14D
2. *Original Volume No. 2.*
 - (a) *Effective as of February 14, 1982.*
 - First Revised Sheet No. 687

- Substitute First Revised Sheet No. 888
 - Substitute First Revised Sheet No. 889
 - Original Sheet No. 889A
 - Substitute First Revised Sheet No. 948
 - First Revised Sheet No. 950
 - Substitute First Revised Sheet No. 956
 - Substitute First Revised Sheet No. 964
 - Substitute First Revised Sheet No. 965
 - Original Sheet No. 965A
 - First Revised Sheet No. 985
- (b) *Effective as of July 1, 1983.*
 - Second Substitute Revised Thirteenth Revised Sheet No. 235
 - Second Substitute Revised Ninth Revised Sheet No. 241
 - Second Substitute Second Revised Thirteenth Revised Sheet No. 322
 - Revised Substitute Third Revised Sheet No. 449
 - Revised Substitute Second Revised Sheet No. 524
 - Revised Substitute Third Revised Sheet No. 564
 - Revised Substitute Second Revised Sheet No. 565
 - Revised Substitute Second Revised Sheet No. 582
 - Revised Substitute Second Revised Sheet No. 583
 - Revised Second Substitute First Revised Sheet No. 651
 - Second Revised Sheet No. 661
 - Second Revised Sheet No. 671
 - Second Revised Sheet No. 681
 - Third Revised Sheet No. 688
 - Revised Substitute Second Revised Sheet No. 760
 - Revised Substitute Revised First Revised Sheet No. 726
 - Revised Substitute Revised First Revised Sheet No. 759
 - Revised Substitute Revised First Revised Sheet No. 706
 - Revised Substitute Second Revised Second Revised Sheet No. 895
 - Revised Substitute Second Revised Second Revised Sheet No. 896
 - Revised Substitute Revised First Revised Sheet No. 949
 - Revised Substitute Revised First Revised Sheet No. 957
 - Revised Substitute Second Revised First Revised Sheet No. 970
 - Revised Substitute Second Revised First Revised Sheet No. 971
- Further, Texas Eastern adopts by reference, the following tariff sheets which were initially filed and made effective February 14, 1982 pursuant to the Commission's order issued March 12, 1982 approving Texas Eastern's motion to make rates effective subject to refund in Docket No. RP81-109-000:
1. *Fourth Revised Volume No. 1.*
 - (a) *Effective as of February 14, 1982.*
 - First Revised Sheet No. 33
 - First Revised Sheet No. 34
 - First Revised Sheet No. 50

- First Revised Sheet No. 52
 - First Revised Sheet No. 53
 - First Revised Sheet No. 54
 - First Revised Sheet No. 57
 - Original Sheet No. 57A
 - First Revised Sheet No. 59
 - First Revised Sheet No. 60
 - Second Revised Sheet No. 81
 - First Revised Sheet No. 82
 - Original Sheet No. 82A
 - First Revised Sheet No. 91
 - First Revised Sheet No. 92
 - Original Sheet No. 92A
 - Third Revised Sheet No. 106
 - Fourth Revised Sheet No. 107
 - Fourth Revised Sheet No. 108
 - Fourth Revised Sheet No. 109
 - Fourth Revised Sheet No. 110
 - Fifth Revised Sheet No. 111
 - First Revised Sheet No. 11A
 - First Revised Sheet No. 148
 - First Revised Sheet No. 149
 - First Revised Sheet No. 152
 - First Revised Sheet No. 153
 - First Revised Sheet No. 154
2. *Original Volume No. 2.*
 - (a) *Effective as of February 14, 1982.*
 - First Revised Sheet No. 951
 - First Revised Sheet No. 952
 - First Revised Sheet No. 959
- These tariff sheets, which are a part of the Appendices attached to the settlement, remain unchanged by the stipulation and Agreement and are not again submitted herewith as a part of this filing. Texas Eastern therefore, requests the Commission to waive all necessary rules and regulations to permit such tariff sheets to remain in effect from February 14, 1982, and to confirm that they are no longer subject to refund.
- In addition to the above sheets which have been filed as a part of its currently effective tariff and in accordance with the Stipulation and Agreement, Texas Eastern hereby submits for filing as a part of its superseded FERC Gas Tariff, six copies each of the following sheets:
1. *Fourth Revised Volume No. 1.*
 - (a) *Effective as of February 14, 1982.*
 - Substitute Second Revised Sixty-first Revised Sheet No. 14
 - Substitute Second Revised Sixty-first Revised Sheet No. 14A
 - Substitute Second Revised Sixty-first Revised Sheet No. 14B
 - Substitute Second Revised Sixty-first Revised Sheet No. 14C
 - Substitute Second Revised Sixty-first Revised Sheet No. 14D
 - Fourth Revised Sheet No. 102A
 - Substitute Fifth Revised Sheet No. 102B
 - (b) *Effective as of April 1, 1982.*
 - Substitute Third Revised Sixty-first Revised Sheet No. 14
 - (c) *Effective as of August 1, 1982.*

Substitute Alternate Third Substitute Sixty-second Revised Sheet No. 14
 Substitute Alternate Third Substitute Sixty-second Revised Sheet No. 14A
 Substitute Alternate Third Substitute Sixty-second Revised Sheet No. 14B
 Substitute Alternate Third Substitute Sixty-second Revised Sheet No. 14C
 Substitute Alternate Third Substitute Sixty-second Revised Sheet No. 14D
 (d) *Effective as of November 16, 1982.*
 Second Substitute Revised Sixty-second Revised Sheet No. 14
 (e) *Effective as of December 1, 1982.*
 Second Substitute Sixty-third Revised Sheet No. 14
 Second Substitute Sixty-third Revised Sheet No. 14A
 Second Substitute Sixty-third Revised Sheet No. 14B
 Second Substitute Sixty-third Revised Sheet No. 14C
 Second Substitute Sixty-third Revised Sheet No. 14D
 (f) *Effective as of January 1, 1983.*
 Second Substitute Revised Substitute Sixty-third Revised Sheet No. 14
 (g) *Effective as of February 1, 1983.*
 Second Substitute Third Substitute Sixty-fourth Revised Sheet No. 14
 Third Substitute Sixty-fourth Revised Sheet No. 14A
 Third Substitute Sixty-fourth Revised Sheet No. 14B
 Third Substitute Sixty-fourth Revised Sheet No. 14C
 Third Substitute Sixty-fourth Revised Sheet No. 14D
 (h) *Effective as of February 15, 1983.*
 Second Substitute Revised Sixty-fourth Revised Sheet No. 14
 Second Substitute Revised Sixty-fourth Revised Sheet No. 14A
 Second Substitute Revised Sixty-fourth Revised Sheet No. 14B
 Second Substitute Revised Sixty-fourth Revised Sheet No. 14C
 Second Substitute Revised Sixty-fourth Revised Sheet No. 14D
 (i) *Effective as of March 1, 1983.*
 Second Substitute Revised Second Substitute Sixty-fourth Revised Sheet No. 14
 Second Substitute Revised Second Substitute Sixty-fourth Revised Sheet No. 14A
 Second Substitute Revised Second Substitute Sixty-fourth Revised Sheet No. 14B
 Second Substitute Revised Second Substitute Sixty-fourth Revised Sheet No. 14C
 Second Substitute Revised Second Substitute Sixty-fourth Revised Sheet No. 14D
 2. *Original Volume No. 2.*
 (a) *Effective as of February 14, 1982.*
 Substitute Thirteenth Revised Sheet No. 235

Substitute Ninth Revised Sheet No. 241
 Substitute Revised Thirteenth Revised Sheet No. 322
 Substitute Third Revised Sheet No. 449
 Substitute Second Revised Sheet No. 524
 Substitute Third Revised Sheet No. 564
 Substitute Second Revised Sheet No. 565
 Substitute Second Revised Sheet No. 562
 Substitute Second Revised Sheet No. 583
 Second Substitute First Revised Sheet No. 651
 Substitute First Revised Sheet No. 661
 Substitute First Revised Sheet No. 671
 Substitute First Revised Sheet No. 681
 Substitute First Revised Sheet No. 688
 Substitute Second Revised Sheet No. 706
 Substitute Revised First Revised Sheet No. 726
 Substitute Revised First Revised Sheet No. 759
 Substitute Revised First Revised Sheet No. 760
 Substitute Revised Second Revised Sheet No. 895
 Substitute Revised Second Revised Sheet No. 896
 Substitute First Revised Sheet No. 949
 Substitute Second Revised Sheet No. 957
 Substitute Revised First Revised Sheet No. 970
 Substitute Revised First Revised Sheet No. 971
 (b) *Effective as of August 1, 1982.*
 Revised Substitute Thirteenth Revised Sheet No. 235
 Revised Substitute Ninth Revised Sheet No. 241
 Revised Substitute Revised Thirteenth Revised Sheet No. 322
 (c) *Effective as of February 1, 1983.*
 Second Revised Substitute Thirteenth Revised Sheet No. 235
 Second Revised Substitute Ninth Revised Sheet No. 241
 Second Revised Substitute Revised Thirteenth Revised Sheet No. 322
 (d) *Effective as of February 15, 1983.*
 Substitute Revised Thirteenth Revised Sheet No. 235
 Substitute Revised Ninth Revised Sheet No. 241
 Substitute Second Revised Thirteenth Revised Sheet No. 322
 Substitute Second Revised Sheet No. 688
 Substitute Second Revised Second Revised Sheet No. 895
 Substitute Second Revised Second Revised Sheet No. 896
 Substitute Revised First Revised Sheet No. 949
 Substitute Revised First Revised Sheet No. 957
 Substitute Second Revised First Revised Sheet No. 970
 Substitute Second Revised First Revised Sheet No. 971

The rates reflected in the tariff sheets are the settlement rates for the period from February 14, 1982 through June 30,

1983 as prescribed by Article III. A. of the settlement approved in Docket Nos. RP83-35, *et al.* If the July 14, 1983 Order becomes final and no longer subject to rehearing on August 13, 1983 and if the tariff sheets submitted herewith are approved so that payments for July, 1983 may be made at the settlement rates, the difference between these settlement rates reflected on the above tariff sheets and the rates which Texas Eastern billed subject to refund during the period February 14, 1982 through June 30, 1983 will determine the principal amount of the refunds Texas Eastern will make in accordance with Article III. B.

Texas Eastern requests that the Commission waive any regulations necessary and allow the sheets submitted herewith to become effective on their respective proposed effective dates.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 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. 83-21947 Filed 8-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-302-001]

Trailblazer Pipeline Co.; Amendment

August 8, 1983.

Take notice that on July 15, 1983, Trailblazer Pipeline Company (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP83-302-001 and amendment to its pending application filed in Docket No. CP83-302-000 pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 75,000 Mcf of natural gas per day on behalf of Tennessee Gas Pipeline Company, a

Division of Tenneco Inc. (Tennessee), so as to reflect revised contract demands and revised demand rates, all as more fully set forth in the amendment which is on file with the Commission and open for public inspection.

Applicant states that each of the existing firm Shippers on the Trailblazer system has requested adjustment of its proposed contract demand as filed in the application in this docket.

Applicant states that Tennessee, which would become a firm Trailblazer Shipper upon Commission approval of this application, does not seek any change in its proposed contract demand. Trailblazer has agreed to accept the revised contract demands under the procedures set forth in Section 3.3 of the General Terms and Conditions of Applicant's FERC Gas Tariff, Original Volume No. 1.

The proposed changes in contract demand for each Shipper are shown in the chart below. The last column displays the contract demand as proposed in this amendment. The other columns show the contract demand as proposed in the application in this docket and the existing contract demand for each Shipper.

[In thousands of cubic feet]

Shipper	Existing contract demand (1,000 ³)	Application (1,000 ³)	Amendment (1,000 ³)
Natural Gas Pipeline Company of America	183,000	140,000	147,000
Northern Natural Gas Company, Division of Inter North, Inc.	49,000	38,000	40,000
Columbia Gas Transmission Corporation	69,500	56,500	59,500
Tennessee		75,000	75,000
Total	301,500	309,500	321,500

New service agreement dated July 1, 1983, have been executed with all Shippers submitting revised nominations, Applicant Explains.

It is submitted that as a result of the revisions in the contract demand Applicant would further reduce its Rate Schedule T demand rate. Based on currently effective demand costs, this reduction, it is asserted, would be 65.0 cents from \$10.42 to \$9.77 when compared with existing rates and 38.0 cents from \$10.15 to \$9.77 when compared with the contract demand proposed in the Application. Applicant explains that this reduction results from dividing the demand costs reflected in existing rates by the higher contract demands. Applicant further requests that the Commission permit the revised

demand rate to become effective on the date its order authorizing the proposed revision is issued.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before August 29, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-21948 Filed 8-10-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-426-000]

Trunkline Gas Co., et al.; Request Under Blanket Authorization

August 5, 1983.

Take notice that on July 18, 1983, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP83-426-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) proposing to construct certain pipeline facilities under the authorization issued in Docket Nos. CP83-84-000, CP83-83-000 and CP82-426-000, respectively, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open for public inspection.

Trunkline, panhandle and Transco state that they would construct 7.19 miles of 10-inch pipeline and appurtenant facilities to connect the producer platform in High Island Block A-376, offshore Texas, to a side tap on a 12-inch line owned by Michigan Wisconsin Pipe Line Company (Mich Wisc), United Gas Pipe Line Company and Transco in High Island Block A-356.

It is asserted that the proposed facilities would be constructed in order to attach gas supplies to be purchased from various producers in HI A-365 and HI A-376. It is estimated that the cost of the proposed facilities would be \$4,850,000 to be financed from funds on hand or short-term financing. It is stated that the facilities would be constructed and owned with costs, ownership and capacity entitlement divided in proportion to the relative ownership interests of the Trunkline's, Panhandle's and Transco's dedicated gas supplies. It is indicated that the facilities would be operated by Mich Wisc.

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. 83-21949 Filed 8-10-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP-83-437-000]

United Gas Pipe Line Co.; Application

August 8, 1983.

Take notice that on July 21, 1983, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP83-437-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing changes in rate schedules for service to two existing customers, the Utility Board of the Town of Citronelle (Citronelle), Alabama, and the City of Bayou LaBatre (LaBatre), Alabama, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to implement separate service to Citronelle and LaBatre and proposes their changeover from Rate Schedule DG-N, General Service for Large Volume Distributors,

to Rate Schedule G-N, General Service for Small Volume Distributors (Optional). It is stated that Applicant would deliver and sell to Citronelle and LaBatre their natural gas requirements for resale and distribution through their respective distribution systems which serve their own communities and immediate environs. Applicant asserts that the maximum daily quantity (MDQ) under the prior service agreement and the respective superseding agreements dated April 1, 1983, would remain the same, with no increases in the MDQ to occur or to be required.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 29, 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 Section 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. 83-21960 Filed 8-10-83; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 6364-000]

Ralph Wagner; Surrender of Preliminary Permit

August 8, 1983.

Take notice that Ralph Wagner, Permittee for the proposed Papoose Lake Project No. 6364, has requested that its preliminary permit be terminated. The Preliminary permit was issued on October 22, 1982, and would have expired on April 30, 1984. The project would have been located on Papoose Lake in San Bernardino, California. The Permittee states that a preliminary study found that the project would not be economically feasible to develop at this time.

The Permittee filed its request on July 1, 1983, and the surrender of the preliminary permit for Project No. 6364 is deemed accepted as of July 1, 1983, and effective 30 days after the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-21962 Filed 8-10-83; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 6343-001]

Westates Power Co.; Surrender of Preliminary Permit

August 8, 1983.

Take notice that Westates Power Company, Permittee for the proposed Dinner Creek Project No. 6343, has requested that its preliminary permit be terminated. The preliminary permit was issued on October 20, 1982, and would have expired on April 30, 1984. The project would have been located on Dinner Creek in Clackamas County, Oregon. The Permittee states that a preliminary study found that the project would not be economically feasible to develop at this time.

The Permittee filed its request on June 27, 1983, and the surrender of the preliminary permit for Project No. 6343 is deemed accepted as of June 27, 1983, and effective 30 days after the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-21961 Filed 8-10-83; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5424-002]

Richard V. Williamson; Surrender of Preliminary Permit

August 8, 1983.

Take notice that Richard V. Williamson, Permittee for the proposed Bidden Creek and Little Bidden Creek

Project No. 5424, has requested that its preliminary permit be terminated. The permit was issued on September 10, 1982, and would have expired on February 29, 1984. The project would have been located on the Bidden Creek and Little Bidden Creek in Trinity County, California.

The Permittee filed its request on July 7, 1983, and the surrender of the preliminary permit for Project No. 5424 is deemed accepted 30 days after issuance of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-21963 Filed 8-10-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF83-372-000]

Small Power Production and Cogeneration Facilities; Application for Commission Certification of Qualifying Status; Coastal States Petroleum Co.

August 8, 1983.

On July 28, 1983, Coastal States Petroleum Company (Applicant), of Nine Greenway Plaza, Houston, Texas 77046, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will be located at 1320 Cantwell Lane, Corpus Christi, Texas. The facility will consist of two reconditioned gas turbines with waste heat recovery boilers. The primary energy source for the facility will be natural gas/refinery fuel gas. The facility will produce 204,000 pounds per hour of process steam and have an electric power production capacity of 34.4 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-21952 Filed 8-10-83; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS 00043; TSH-FRL 2403-5]

Toxic and Hazardous Substances Control; Dioxin and Furan Pollution; Denial of Central Michigan Citizen's Petition for Investigation and Enforcement Action

Correction

In FR Doc. 83-19983, beginning on page 33739, in the issue of Monday, July 25, 1983, on page 33743, in the second column, in the first complete paragraph, in the nineteenth line, "obtain 1/2 EPA" should read "obtain EPA".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

[File No. 26027-CL-P-(3)-82 et al.]

Advanced Mobile Phone Service, Inc., et al.; Hearings

Errata

Released August 4, 1983.

In re application of Advanced Mobile Phone Service, Inc., File No. 26027-CL-P-(3)-82, for a construction permit to establish a cellular system operating on frequency Block B in the Domestic Public Cellular Radio Telecommunications Service to serve the New Orleans, Louisiana, modified Standard Metropolitan Statistical Area: In re applications of, CC Docket No. 83-717 The Western Union Telegraph Company, File No. 26069-CL-P-(6)-82, Radiofone, Inc., File No. 26072-CL-P-(5)-82, Cellular Mobile Systems of Louisiana, Inc., File No. 26173-CL-P-(7)-82, Mid-America Cellular Systems, Inc., File No. 26133-CL-P-(5)-82; for a construction permit to establish a cellular system operating on frequency Block A in the Domestic Public Cellular Radio Telecommunications Service to serve the New Orleans, Louisiana, modified Standard Metropolitan Statistical Area.

1. The Memorandum Opinion and Order Granting Application and Designating for Hearing in the above entitled matter, CC Mimeo No. 5139, adopted June 30, 1983, released July 11, 1983, is corrected as set forth below.

2. The following language should be added to footnote 16: "Accordingly, we direct MACS to refile the original, returned amendment with the ALJ. Due

to this circumstance, brief extensions of time may be granted at the discretion of the ALJ."

3. In addition, paragraph 48 should be amended to add MACS' name, ordering it to file the amendment specified in the order.

4. The Secretary shall cause a copy of this errata to be published in the Federal Register.

William F. Adler,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 83-21869 Filed 8-10-83; 8:45 am]
BILLING CODE 6712-01-M

[File No. BPH-811201 AH; MM Docket No. 83-759 et al.]

Applications for Consolidated Hearing; Ardell and Sink et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No.	MM Docket No.
A. J. Ardell and Romelle K. Sink.	Andrews, S.C.	BPH-11201AH.....	83-759
B. Andrews Broadcasting Co. Inc.do.....	BPH-820416AM.....	83-760
C. Radio Internart Corporation.do.....	BPH-820624AU.....	83-761
D. William C. Henryhand, Limited Partnership.do.....	BPH-820624AW.....	83-762

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading	Applicant(s)
1. (See Appendix)	A.
2. (See Appendix)	D.
3. Air Hazard	A, B, C, D.
4. Comparative	A, B, C, D.
5. Ultimate	A, B, C, D.

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

Appendix

Issue(s)

1. To determine with respect to the following applicant(s) whether, in light of the evidence adduced concerning the deficiency set forth above in paragraph 8¹ the applicant(s) is financially qualified: A (Ardell and Sink)

2. If a final environmental impact statement is issued with respect to D (Henryhand), which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment,

(a) to determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by §§ 1.1301-1319 of the Commission's Rules; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

[FR Doc. 83-21866 Filed 8-10-83; 8:45 am]

BILLING CODE 6712-01-M

[File No. BPH-810817AB; MM Docket No. 83-756 et al.]

Applications for Consolidated Hearing; Butterfield Broadcasting

1. The Commission has before it the following mutually exclusive applications for a new FM station:

¹ Paragraph 8 reads as follows:

The material submitted by the applicant(s) below does not demonstrate its financial qualifications. Accordingly, an issue will be specified concerning the following deficiency:

Applicant(s)	Deficiency
A (Ardell and Sink).....	Applicant requires \$102,100 for the first 3 months operation and construction costs. It has not submitted any documentation that this amount is available.

Applicant	City/State	File No.	MM Docket No.
A. Butterfield Broadcasting Company	Indio, Calif.	BPH-810817AB	83-756
B. Desert Mountain Broadcasting, Inc.	La Quinta, Calif.	BPH-820624AE	83-757
C. Claridge Corp.	Indio, Calif.	BPH-820624BL	83-756

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicant(s)
1. (See Appendix)	A.
2. 307(b)	A, B, & C.
3. Contingent Comparative	A, B, & C.
4. Ultimate	A, B, & C.

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

Appendix

Issue(s)

1. To determine with respect to the following applicant(s) whether, in light of the evidence adduced concerning the deficiency set forth above in paragraph 8,¹ the applicant(s) is financially qualified: A (Butterfield)

[FR Doc. 83-21865 Filed 8-10-83; 8:45 am]

BILLING CODE 6712-01-M

¹ Paragraph 8 reads as follows:

The material submitted by the applicant(s) below does not demonstrate its financial qualifications.

[File No. BPH-811207AH; MM Docket No. 83-769 et al.]

Applications for Consolidated Hearing; Eagle Broadcasting Co., Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/state	File No.	MM Docket No.
A. Eagle Broadcasting Company, Inc.	Eunice, N. Mex.	BPH-811207AH	83-769
B. Bill Langdon and Henry DeVilliers	do	BPH-820309AG	83-770
C. Dove Broadcasting, Inc.	do	BPH-820621AL	83-771

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicant(s)
1. (See Appendix)	A, C.
2. Air Hazard	A, B.
3. Comparative	A, B, C.
4. Ultimate	A, B, C.

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to

Accordingly, an issue will be specified concerning the following deficiency:

Applicant(s)	Deficiency
A (Butterfield)	The following documents were not provided: lease agreements for land and buildings, estimated costs of operating for 3 months, and the balance sheet for Butterfield Broadcasting Company to document the availability of existing capital (\$69,000). In addition, Mr. Perry's balance sheet does not indicate that he has the net liquid assets to meet his commitment of \$30,000. Therefore, no funds are available.

which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

Appendix

Issue(s)

1. To determine with respect to the following applicant(s) whether, in light of the evidence adduced concerning the deficiency set forth above in paragraph 8,¹ the applicant(s) is financially qualified: A (Eagle), B (L & D).

[FR Doc. 83-21870 Filed 8-10-83; 8:45 am]

BILLING CODE 6712-01-M

[File No. BPH-8110-09 AHJMM Docket No. 83-765 et al.]

Applications for Consolidated Hearing; Voce Intersectario Verdad America, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No.	MM Docket No.
A. Voce Intersectario Verdad America, Inc.	Las Vegas, Nevada	BPH-811009AH	83-765
B. JaDonn Communications, Inc.	do	BPH-811022AM	83-766
C. Lorraine Walker Arms	do	BPH-820521AL	83-767
D. William H. Hornstedt	Winchester Township, Nevada	BPH-820524AW	83-768

¹ Paragraph 8 reads as follows:

The material submitted by the applicant(s) below does not demonstrate its financial qualifications. Accordingly, an issue will be specified concerning the following deficiency:

Applicant(s)	Deficiency
A (Eagle)	Principals' balance sheets do not show sufficient current liquid assets in excess of current liabilities to satisfy stock and loan commitments.
B (L & D)	Principals' balance sheets do not segregate (i) current and liquid assets from other assets, and (ii) current liabilities from long-term liabilities.

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicant(s)
1. (See Appendix)	C.
2. 307(b)	A,B,C,D.
3. Contingent Comparative	A,B,C,D.
4. Ultimate	A,B,C,D.

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

Larry D. Eads,
Chief, Audio Services Division, Mass Media Bureau.

Appendix

Issue(s)

To determine with respect to the following applicant(s) whether, in light of the evidence adduced concerning the deficiency set forth above in paragraph 8,¹ the applicant(s) is financially qualified: C (Arms).

Applicant(s)	Deficiency
C (Arms)	Applicant indicates that it intends to rely on a \$400,000 bank loan from Nevada National Bank, Reno, Nevada and from personal assets of the applicant but has failed to provide a copy of a bank loan letter or an individual balance sheet on the applicant.

[FR Doc. 83-21868 Filed 8-10-83; 8:45 am]

BILLING CODE 6712-01-M

¹ Paragraph 8 reads as follows:

The material submitted by the applicant(s) below does not demonstrate its financial qualifications. Accordingly, an issue will be specified concerning the following deficiency:

[File No. BPH-820908AC; MM Docket No. 83-763 et al.]

Applications for Consolidated Hearing; Wind River Communications, Inc. et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/state	File No.	MM Docket No.
A. Wind River Communications, Inc.	Riverton, Wyo.	BPH-820908AC.....	83-763
A. Radio West, Inc.	Riverton, Wyo.	BPH-821019AP.....	83-764

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicant(s)
1. Air Hazard	B.
2. Comparative	A, B.
3. Ultimate	A, B.

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-63634.

Larry D. Eads,
Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-21867 Filed 8-10-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

First Florida Savings and Loan Association, Gainesville, Florida; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, 12 U.S.C.A. section 1729 (c)(1)(B)(i)(I) (West Supp. 1983), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for First Florida Savings and Loan Association, Gainesville, Florida, on August 4, 1983.

Dated: August 6, 1983.

John F. Ghizzoni,
Assistant Secretary.

[FR Doc. 83-22007 Filed 8-10-83; 8:45 am]

BILLING CODE 6720-01-M

Middle Peninsula-Northern Neck, Gloucester, Virginia; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, 12 U.S.C.A. section 1729 (c)(1)(B)(i)(I) (West Supp. 1983), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Middle Peninsula-Northern Savings and Loan Association, Gloucester, Virginia, on August 4, 1983.

Dated: August 8, 1983.

John F. Ghizzoni,
Assistant Secretary.

[FR Doc. 83-22009 Filed 8-10-83; 8:45 am]

BILLING CODE 6720-01-M

Mount Vernon Savings and Loan Association, Rosslyn, Virginia; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, 12 U.S.C.A. section 1729(c)(1)(B)(i)(I) (West Supp. 1983), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Mount Vernon Savings and Loan Association, Rosslyn, Virginia, on August 5, 1983.

Dated: August 8, 1983.

John F. Ghizzoni,
Assistant Secretary.

[FR Doc. 83-22008 Filed 8-10-83; 8:45 am]

BILLING CODE 6720-01-M

GOVERNMENT PRINTING OFFICE**Depository Library Council to the Public Printer; Meeting**

The Depository Library Council to the Public Printer will meet during the period September 15-17, 1983, at the Park Hilton Hotel, Seattle, Washington.

The purpose of this meeting is to discuss the Depository Library Program.

The meeting will be open to the public. Anyone who wishes to attend should notify the Director, Library Program Service, Government Printing Office, Washington, D.C. 20401 (telephone: 703/557-2050).

General participation by members of the public, or questioning of Council members or other participants, shall be permitted with the approval of the Chair.

W. J. Barrett,

Deputy Public Printer.

[FR Doc. 21901 Filed 8-10-83; 8-45 am]

BILLING CODE 1505-01-M

Information Industry Council of the U.S. Government Printing Office; Agenda and Notice of Meeting

Notice is hereby given that a meeting of the Information Industry Council of the U.S. Government Printing Office will convene at 9 a.m. and will adjourn at 4 p.m. on September 10, 1983, at the Conrad Hilton, 720 South Michigan Avenue, Chicago, Illinois 60605. The purpose of the meeting will be to provide the Public Printer with continued advisement on pertinent issues related directly to the GPO and the printing industry as a whole. The agenda will include discussions and presentations on the OMB Printing Plant Survey, a financial overview of the GPO operations, a marketing program update, and responses to issues raised at the last meeting of the Council. The agenda will also include question-and-answer periods on the topics mentioned.

Persons desiring additional information should contact Joseph E. Jenifer, Assistant Public Printer (Planning), U.S. Government Printing Office, Stop SP, North Capitol and H Streets, NW., Washington, D.C. 20401, (202) 275-2664.

Dated at Washington, D.C., August 9, 1983.

Joseph E. Jenifer,

Assistant Public Printer (Planning).

[FR Doc. 83-22157 Filed 8-10-83; 9:56 am]

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Office of the Secretary****Agency Forms Submitted to the Office of Management and Budget for Clearance**

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on August 5.

PUBLIC HEALTH SERVICE**National Institutes of Health**

Subject: Early Pregnancy Study—NEW
Respondents: Individuals

Subject: Case Control Study of Brain Tumors and Occupational Factors (0925-0187—Extension/No Change

Respondents: Individuals
OMB Desk Officer: Fay S. Iudicello

Office of Assistant Secretary for Health

Subject: National Health Interview Survey (NHIS) (1984 Second Pretest and Final Questionnaire) (0937-0021—Revision

Respondents: Individuals
OMB Desk Officer: Fay S. Iudicello

SOCIAL SECURITY ADMINISTRATION

Subject: Disregard of Income of Dependent Children Derived from Participation in Programs Carried Out Under the Job Training Partnership Act of 1982—NEW

Respondents: State Aid to Families with Dependent Children program offices
Subject: Health and Employment Survey—NEW

Respondents: Selected former Social Security Administration employees
Subject: Report to United States Social Security Administration by Persons Receiving Benefits for a Child or for an Adult Unable to Handle Funds (SSA-7161-C1); Report to United States Social Security Administration (SSA-7162-C1) (0960-0049)—REVISION

Respondents: Individuals living outside the U.S.

OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503. Attn.: (Name of OMB Desk Officer).

Dated: August 8, 1983.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 83-22010 Filed 8-10-83; 8:45 am]

BILLING CODE 4150-04-M

Centers for Disease Control**Request for Nominations of Candidates To Serve on the Mine Health Research Advisory Committee**

The National Institute for Occupational Safety and Health of the Centers for Disease Control is soliciting nominations for membership on the Mine Health Research Advisory Committee (MHRAC). On December 24, 1983, six vacancies will occur. The MHRAC, which is authorized by the Federal Mine Safety and Health Act of 1977, advises the Department of Health and Human Services on matters related to intramural and extramural health research for the nation's miners. The direction, scope, and scientific quality of NIOSH's mine health research program are considered by the Committee.

A range of disciplines is represented on the MHRAC, including physiology, pathology, radiology, epidemiology, industrial hygiene, occupational medicine, aerosol physics, ergonomics, biostatistics, and public health. Mining-related experience is desirable, but it is not necessary for every position on the Committee. Emphasis is placed on scientific credentials.

The following information is requested: name, affiliation, address, telephone number, and a recent curriculum vitae. Nominations should be sent by September 16, 1983, to: Dr. Roy M. Fleming, Executive Secretary, MHRAC, National Institute for Occupational Safety and Health, Centers for Disease Control, Room 1060, NHS North Building, 330 Independence Avenue, SW., Washington, D.C. 20201. Telephones: FTS: 472-7134; Commercial: 202/472-7134.

Dated: August 5, 1983

Donald R. Hopkins,

Acting Director, Centers for Disease Control.

[FR Doc. 83-21976 Filed 8-10-83; 8:45 am]

BILLING CODE 4160-19-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AR 030451]

Arizona; Partial Termination of Segregative Effect of Withdrawal Application

August 5, 1983.

Notice of Application, AR 030451, filed by the Corps of Engineers, for the withdrawal and reservation of land was published as FR Doc. 62-8983 on page 8927 of the issue of September 7, 1961. The application segregated the land from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, subject to existing valid claims. The proposed withdrawal was for the construction of the Camelsback Dam and Reservoir. The applicant agency has amended its application to permit the disposal of the surface estate under an application for exchange pursuant to Section 206 of the Act of October 21, 1976, 43 U.S.C. 1716, subject to an easement reservation on the following described land:

T. 5 S., R. 30 E., GSR mer., Arizona
Sec. 31, Lot 17 formerly part of Lot 7.

The area described contains 5.11 acres in Greenlee County.

Therefore, pursuant to the regulations contained in 43 CFR 2310-2-1(c), such land will be relieved of the surface segregative effect of the above application at 10:00 a.m. on September 13, 1983. The land is currently classified as suitable for exchange and will remain segregated from all other public land laws, including the mining laws, but not the mineral leasing laws. The land was restored to mineral leasing on February 28, 1982.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-21885 Filed 8-10-83; 8:45 am]

BILLING CODE 4310-84-M

[AR 031307]

Arizona; Partial Termination of Segregative Effect of Withdrawal Application

August 4, 1983.

1. Notice of Application AR 031307 filed by the Bureau of Reclamation, for the withdrawal and reservation of lands

was published as FR Doc. No. 62-9138 on pages 9111-9113 of the issue of September 13, 1962. The applicant agency has cancelled its application insofar as it involves the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Subpart 2091.2-5(b)(1), such lands will be relieved of the segregative effect of the above-mentioned application at 10:00 a.m., on September 12, 1983. However, the lands herein involved are currently classified as suitable for exchange and segregated from appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, pursuant to said classification. A 179841.

Gila and Salt River Meridian, Arizona

T. 4 N., R. 14 W.,

All land lying south and west of the Central Arizona Project of the following:

Sec. 20, E $\frac{1}{4}$.

Sec. 21, SW $\frac{1}{4}$.

Sec. 28, N $\frac{1}{2}$, SE $\frac{1}{4}$.

The area described contains approximately 500 acres in La Paz County.

2. At 10:00 a.m. on September 12, 1983, the public land described in paragraph 1 will be open to applications and offers under the mineral leasing laws.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-21890 Filed 8-10-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-18825]

Idaho; Conveyance of Public Lands; Custer County

August 5, 1983.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), a patent was issued to L. J. Ettinger, Agent for Valley Avenue Association, Challis, Idaho for the following-described public lands:

Boise Meridian, Idaho

T. 14 N., R. 19 E.,

Sec. 33, lot 2.

Containing 2.88 acres.

The lands were sold by direct sale because they have been occupied, improved and used for many years by the members of the association in the mistaken belief that the land was part of their privately-owned lands.

The purpose of this notice is to inform the public and interested State and local

governmental officials of the conveyance.

Vincent S. Strobel,

Acting Deputy State Director for Operations.

[FR Doc. 83-21891 Filed 8-10-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-20125]

Conveyance of Public Lands; Jefferson County, Idaho

August 3, 1983.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), a patent was issued to Roger N. Ferguson and Sybil R. Ferguson, husband and wife, for the following described public lands:

Boise Meridian, Idaho

T. 7 N., R. 37 E.,

Sec. 3, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$.

Containing 200.00 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

Jack W. Hall,

Acting Deputy State Director for Operations.

[FR Doc. 83-21888 Filed 8-10-83; 8:45 am]

BILLING CODE 4310-84-M

[M 55568]

Conveyance of Public Land; Montana

August 4, 1983.

AGENCY: Montana State Office, Bureau of Land Management, Interior.

ACTION: Notice of Conveyance of Public Land in Carter County, Montana.

SUMMARY: Notice is hereby given that pursuant to Section 203 of the Act of October 21, 1976 (43 U.S.C. 1713 (1976)), the following described land was conveyed to David Lee Ness:

Principal Meridian, Montana

T. 3 N., R. 58 E.,

Sec. 17 SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Containing 40 acres.

The purpose of this notice is to inform state and local governments and interested parties of the conveyance of the land to Mr. Ness.

Edgar D. Stark,

Chief, Land Adjudication Section.

[FR Doc. 83-21893 Filed 8-10-83; 8:45 am]

BILLING CODE 4310-84-M

Oklahoma; Draft Environmental Assessment and Fair Market Value; Inquiry and Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Draft Environmental Assessment and Request for Comments on Fair Market Value.

SUMMARY: This notice will serve two purposes: (1) To advise the public that the Tulsa, Oklahoma, District of the Bureau of Land Management (BLM) has released a Draft Environmental Assessment (DEA) and opened the 30-day public review and comment period; and (2) To solicit written public comment concerning the fair market value of the coal resources presented in the amendment.

FOR FURTHER INFORMATION CONTACT: Jim Gegen, (405) 231-4481, Oklahoma Resource Area Headquarters, Bureau of Land Management, Room 548, 200 NW Fifth Street, Oklahoma City, Oklahoma 73102.

1. *Availability of Draft Environmental Assessment.* Prepared in response to a competitive lease application by K & R Coal Company, the DEA covers a 809.75 acre area in Haskell County, Oklahoma, 3 miles north of the Town of Stigler, and is described as:

Indian Meridian, Oklahoma

T. 10 N., R. 20 E.,

Sec. 13, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 23, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ S E $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 26, Lots 1 and 2: W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ N W $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ S W $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ S W $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Application of unsuitability criteria (43 CFR, Part 3461), interrelationships with existing land use decisions, coordination with other state and federal agencies, and analysis of those values that could be impacted by coal development have been addressed in the DEA. Comments on the DEA should be addressed to the Oklahoma Resource Area Headquarters (address above) to arrive no later than 30 days from the date of this notice.

2. *Request for Public Comment on Fair Market Value of the Coal Resource.* The public is invited to submit written comments concerning the fair market value of the coal resource in the lease application area to the BLM. Public comments will be used in establishing fair market value for the

coal resources in the area described above. Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resource; the price that the mined coal would bring in the market place; the cost of producing the coal; the probable timing and rate of production; the interest rate at which anticipated income streams would be discounted; depreciation and other accounting factors; the expected rate of industry return; the value of the surface estate (if private surface); and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions may also be submitted at this time. These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1. If any information submitted is considered proprietary by the person submitting it, the information should be labeled as such and stated in the first page of the submission. Comments on fair market value should be sent to the State Director, New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico, 87501, to arrive no later than 30 days after the date of this notice.

The coal resource to be evaluated consists of all coal minable by surface methods to a depth of 100 feet in the 809.75 acre lease application area. The estimated total strippable reserves are 657,670 tons. The quality of the Stigler coal bed is as follows: 14,690 Btu per pound, 1.2 percent sulfur, and 5.0 percent ash (as received). The Stigler coal bed averages 1.9 feet in thickness over 188 strippable acres of the above-described lands.

Floyd L. Stelzer,

Acting Tulsa District Manager.

[FR Doc. 83-21884 Filed 8-10-83; 8:45 am]

BILLING CODE 4310-84-M

Realty Action; Nevada, Sale Cancelled

AGENCY: Bureau of Land Management, Interior.

ARIZONA: Realty Action: Modified Competitive Sale of Public Land in Mohave County: Correction, Sale Cancelled.

SUMMARY: Notice of realty action offering public lands for sale in Mohave County near Mesquite, Nevada which was published in the *Federal Register* Tuesday, July 12, 1983 on pages 31912 and 31913 has been cancelled at the request of the State Land Commissioner.

The parcel of land being offered for sale is located between two parcels of state-owned land. The State Land Department has asked that the sale be deferred pending further consideration to determine whether the land should be acquired by the state for the benefit of the state trust.

Dated: August 2, 1983.

G. William Lamb,

Arizona Strip District Manager.

[FR Doc. 83-21880 Filed 8-10-83; 8:45 am]

BILLING CODE 4310-84-M

[OR-36202]

Realty Action; Competitive/Modified Competitive Sale of Public Lands in Maiheur County, Oregon

The following described parcels of land have been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713) at no less than the appraised fair market value:

Parcel No.	Legal description	Acreage
1.	T. 16S., R. 42E., Willamette Meridian, OR Section 18, E $\frac{1}{2}$ E $\frac{1}{4}$	160
2.	Section 23, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$	120
3.	T. 16S., R. 42E., Willamette Meridian, OR Section 3, Lot 3.	40.6

Bids are being solicited for each parcel offered for sale. Appraised values are not being published in this Notice of Realty Action. The value will be disclosed only at the conclusion of the sale and only for those parcels for which acceptable bids were received, i.e., appraised value or higher.

The sale will be held on Wednesday, October 19, 1983, at 10:00 a.m., M.D.T., Vale District Conference Room, Bureau of Land Management, 100 E. Oregon, Vale, Oregon.

The sale is consistent with the Bureau's planning system and has undergone public review and discussion. The sale involves land that is difficult and uneconomical to manage as part of the public lands, and is not suitable for management by another Federal department or agency. The public interest will be served by offering these lands for sale.

Sale parcel No. 1 and No. 3 will be offered for sale at public auction through competitive bidding.

Sale parcel No. 2 will be offered for sale at public auction through modified competitive bidding with Craig Siddoway given preference to meet the high bid. Refusal or failure by Mr.

Siddoway to meet the high bid immediately after the close of oral bidding shall constitute a waiver of such right.

Modified competitive bidding procedures are being used to recognize the needs of adjoining landowners and historical use by these landowners. Preference to meet the high selling bid is authorized under section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713; 43 CFR 2711.3-2(a)(2)).

Federal law requires that all bidders be U.S. citizens, 18 years of age or more, a state or state instrumentality authorized to hold property, or in the case of corporations, be authorized to own real estate in the state in which the sale land is offered. Proof of these requirements shall accompany all sale bids.

Sealed written bids will be considered only if received by the Bureau of Land Management, 100 E. Oregon Street, P.O. Box 700, Vale, Oregon prior to 10:00 a.m., Wednesday, October 19, 1983, M.D.T. A separate written bid must be submitted for each sale parcel desired. Each written sealed bid must be accompanied by a certified check, postal money order, bank draft or cashiers check, payable to the Bureau of Land Management for at least twenty percent (20%) of the amount bid and shall be enclosed in a sealed envelope clearly marked, "Bid for Public Land Sale OR-36202, Sale Parcel number —, Malheur County, Oregon, October 19, 1983". The written sealed bids will be opened and publicly declared at the beginning of the sale. If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing.

Oral bidding will be entertained after public declaration of the apparent high sealed bidder and all oral bids must be made in increments of \$50.00 or more. After oral bids are entertained, the apparent high qualifying oral bidder shall submit payment by cash, personal check, bank draft, money order or any amount necessary to bring the amount tendered with their sealed bids up to one-fifth of the amount of the oral bid, immediately following the close of the sale. The highest bid will be accepted or rejected in writing and all unsuccessful written bids will be returned no later than 30 days after the sale.

In the exercise of the preference right, whether submitted by sealed bid or oral bid, the preference right holder shall be required to submit payment as stated

above immediately following the close of the sale.

The terms and conditions applicable to the sale are:

1. The apparent high bidder shall submit the remainder of the full bid price within 30 days from receipt of notice of acceptance. Failure to submit the full bid price within 30 days from receipt of notice of acceptance shall result in sale cancellation of the specific parcel and the deposit shall be forfeited.

2. The authorized officer may reject the highest qualified bid and release the bidder from his/her obligation and withdraw any tract from the sale, if he determines that consummation of the sale would be inconsistent with the provisions of any existing law, or collusive or other activities have hindered or restrained free and open bidding, or consummation of the sale would encourage or promote speculation in public lands.

3. A right-of-way in parcel 2 will be reserved for the Low Line Ditch, constructed and used by the authority of 43 U.S.C. 946.

4. The patents will contain a reservation to the United States for all ditches and canals.

5. The sale is for surface estate only. The patents will contain a reservation to the United States for all minerals.

6. The sale will be subject to all valid existing rights.

Those parcels not sold pursuant to this Notice of Realty Action shall remain available for sale on a continuing basis until sold or withdrawn. Bids will be solicited on these parcels at the Vale District Office, during regular business hours (7:45 a.m. to 4:30 p.m.). Interested parties bidding on these parcels shall be informed of the appraised value only when an acceptable bid has been received, i.e., appraised value or higher.

Detailed information concerning the sale, including the planning documents, environmental assessment and the record of public involvement, is available for review at the District Office, Bureau of Land Management, 100 E. Oregon Street, Vale, Oregon, 97918. For a period of 45 days after the issuance of this notice, the public and interested parties may submit comments to the Vale District Manager, at the above address. Any adverse comments received as a result of the Notice of Realty Action or notification to the congressional committees and delegations pursuant to Pub. L. 97-394, will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any

action by the District Manager, this realty action will become a final determination of the Department of the Interior. Interested parties should continue to check with the District Office to keep themselves advised of any changes.

Dated: August 3, 1983.

Fearl M. Parker,

District Manager.

[FR Doc. 83-21887 Filed 8-10-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 35446]

Realty Action—Sale of Public Land in Benton County, Oregon

The following described land has been examined and identified as suitable for transfer out of Federal ownership by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713):

Willamette Meridian, Oregon
T. 11 S., R. 8 W., Sec. 28, Lot 1.
Containing 9.76 acres.

Bids are hereby solicited for this parcel being offered for sale. Its appraised value is not being published in this notice of realty action. The value will be disclosed only at the conclusion of the sale and only if acceptable bids are received; i.e., at the appraised value or higher.

The subject parcel is not needed for any resource program of the Bureau of Land Management and no other Federal agency has expressed a need for it. The parcel does not have any significant public values that warrant retention in public ownership. Sale of the parcel has been discussed with adjoining landowners, county officials, and interested parties. No objection or controversy has been raised as a result of the public review.

Detailed information concerning the sale, including the planning documents, environmental assessment, and the record of public discussions is available for review at the Salem District Office, (1717 Fabry Road S.E.) P.O. Box 3227, Salem, Oregon 97302.

The patent, when issued, will contain a reservation to the United States for all minerals and for rights-of-way for ditches and canals under the Act of August 20, 1980 (26 Stat. 391; 43 U.S.C. 945).

The above-described land will be offered for sale on October 19, 1983, at 10:00 a.m. at the Salem District Office. The sale will be conducted by a combination of mailed and oral bidding.

Bidders must be citizens of the United States, 18 years of age or over, or in the case of a corporation, be subject to the laws of any state of the United States. Bids may be made by a principal or a duly qualified agent. Each mailed bid must be accompanied by a certified check, postal money order, bank draft, or cashier's check, made payable to the Bureau of Land Management. Mailed bids will be considered only if received at the District Office by 10:00 a.m. on October 19, 1983. Mailed bids must be for not less than one-fifth of the amount of the bid and shall be enclosed in a sealed envelope clearly marked "Bid for Public Sale OR 35446." If two or more bids for the same amount are received, the apparent high bidder will be determined by drawing pursuant to 43 CFR 2711.3-1(c). The highest mailed bid will establish the base for the oral auction to follow. Each oral bid must be in increments of fifty dollars or multiples thereof.

The highest bid price, either mailed or oral, will establish the sale price. If the sale price is determined by an oral bid, the successful bidder will be required to submit immediately a minimum deposit of one-fifth of the full bid price. Such deposit may be tendered by cash, personal check, money order, bank draft, or any combination thereof. The successful bidder will be required to submit the remainder of the bid price within 30 days of the sale. Failure to submit such payment within the 30-day period shall result in the cancellation of the sale and the bid deposit shall be forfeited and disposed of as other receipts of sale. If no bids for the land are received on the sale date, the sale will be adjourned until the following Wednesday at the same hour and place and continued on each succeeding Wednesday, until sold as specified in this notice or until the sale is otherwise terminated.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Salem District Manager, address above. Any adverse comments received as a result of the notice of realty action or notification to the Congressional committees and delegations pursuant to Pub.L. 97-394 will be evaluated by the Salem District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior. Interested parties should continue to check with the District

Office to keep themselves apprised of any changes.

John H. Mears,
Alsea Area Manager.

[FR Doc. 83-21869 Filed 8-10-83; 8:45 am]

BILLING CODE 4310-84-M

Utah; Filing of Plat of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This plat of survey of the following described land will be filed in the Utah State Office, Salt Lake City, Utah, immediately:

Salt Lake Meridian, Utah
T. 28 S., R. 1 W.

This plat, representing the dependent resurvey of the north 5 miles of the Salt Lake Meridian in Tp. 28 S., and the north boundary of section 1 and the survey of sections 1, 11 through 14, and 23 through 26 of Tp. 28 S., R. 1 W., Salt Lake Meridian, Utah, for Group No. 626, was accepted July 29, 1983.

This plat will immediately become the basic record for describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

This survey was executed to meet certain administrative needs of this Bureau.

All inquiries relating to this land should be sent to the Utah State Office, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: August 5, 1983.

Darrell C. Barnes,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-21865 Filed 8-10-83; 8:45 am]

BILLING CODE 4310-84-M

Worland District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 91-463, Pub. L. 94-579, Pub. L. 95-514, and 43 CFR part 1780, that a meeting of the Worland District Advisory Council will be held on September 14, 1983, at 9:30 a.m. Agenda items for the meeting will include the following:

1. Criteria for selecting land to be offered for sale under the Asset Management Program.
2. Right-of-way requirements for unauthorized uses on public lands.
3. Review planning issues identified for the Washakie Resource Area.
4. Requirements for obtaining Outfitter Permits.
5. Arrangements and topics for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 11:30 a.m. and 12 noon, or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager by September 9, 1983. Depending on the number of persons wanting to make oral statements, a per-person limit may be established.

DATE: September 14, 1983, 9:30 a.m.

ADDRESS: Bureau of Land Management Office, Conference Room, 1700 Robertson Avenue, Worland, Wyoming.

FOR FURTHER INFORMATION CONTACT: Chester E. Conard, District Manager, Bureau of Land Management, 1700 Robertson Avenue, Worland, Wyoming 82401. (307) 347-6151.

SUPPLEMENTARY INFORMATION:

Summary minutes of this meeting will be maintained in the District Office and will be available for public inspection during regular business hours within 30 days of the meeting.

Paul M. Andrews,

Associate District Manager.

[FR Doc. 83-21875 Filed 8-10-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 3401 and 2316, Blocks 8 and 288, South Marsh Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review the Office of the Regional Manager, Gulf of

Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 838-0519

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 3, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-21979 Filed 8-10-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Exxon Co., U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Exxon Company, U.S.A., Unit Operator of the South Timbalier Block 54 Federal Unit Agreement No. 14-08-001-3444, submitted on August 1, 1983, a proposed annual plan of development/production describing the activities it proposes to conduct on the South Timbalier Block 54 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations

Dated: August 4, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-21886 Filed 8-10-83; 8:45 am]

BILLING CODE 4310-MR-M

Pacific Outer Continental Shelf Region; Availability of Official Protraction Diagrams

AGENCY: Pacific Outer Continental Shelf Region, Mineral Management Service, Interior.

ACTION: Availability of Official Protraction Diagrams.

Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagrams, approved on the dates indicated, are available, for information only, in the Pacific Outer Continental Shelf Office, Minerals Management Service, Los Angeles, CA. In accordance with Title 30, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic area they represent.

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Description	Approval date
NH 10-1	Mar. 17, 1982
NH 10-2	Do.
NI 9-3	Do.
NI 9-6	Do.
NI 9-9	Do.
NI 9-12	Do.
NI 10-1, Monterey Fan	Do.
NI 10-3, San Luis Obispo, revised	May 11, 1983
NI 10-4	Mar. 17, 1982
NI 10-7	Do.
NI 10-10	Do.
NI 10-11	Do.
NJ 9-2, revised	Feb. 25, 1982
NJ 9-5, Pioneer Escarpment, revised	Do.
NJ 9-8, revised	Do.
NJ 9-12	Mar. 17, 1982
NK 9-2, revised	Feb. 25, 1982

Copies of these diagrams are for sale at two dollars (\$2.00) per copy by the Regional Manager, Pacific OCS Region, Minerals Management Service, 1340 West Sixth Street, Los Angeles, CA 90017. Checks or money orders should

be made payable to the Minerals Management Service.

Reid T. Stone,

Regional Manager.

[FR Doc. 83-21886 Filed 8-10-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

Certain Caulking Guns; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

[Investigation No. 337-TA-139]

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Macklanburg-Ducan Co. (MD).

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on August 5, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E. Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E. Street NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the Federal Register. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be

granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: August 8, 1983.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-21988 Filed 8-10-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-141]

Certain Copper-Clad Stainless Steel Cookware; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Ken Carter Industries, Inc.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on August 8, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written comments: Interested person may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the *Federal Register*. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be

directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: August 8, 1983.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-21997 Filed 8-10-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-141]

Certain Copper-Clad Stainless Steel Cookware; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Fingerhut Corporation.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on August 8, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the *Federal Register*. Any

person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: August 8, 1983.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-21999 Filed 8-10-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Section 10706(a)(5)(A) Application No. 9]

The Fertilizer Institute

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of agreement and request for comments.

SUMMARY: An application for approval of an agreement under 49 U.S.C. 10706(a)(5)(A) has been filed by the Fertilizer Institute on behalf of its member companies. The agreement creates an association called the Rail Car Compensation Committee (RCAC) whose membership consists of members of The Institute. RCAC will provide a forum for joint consideration and discussion of rail car allowances. The Commission seeks public comment prior to acting on the application.

DATES: An original and 10 copies of comments from interested parties should be filed by September 12, 1983.

ADDRESS: The application may be inspected at the Office of the Secretary, Interstate Commerce Commission, in Washington, D.C.

Comments referring to Section 10706(a)(5)(A) Application No. 9 should be addressed to:

1. Office of Secretary, Interstate Commerce Commission, Washington, DC 20423
and
2. Applicant's representative, David A. Sutherland, 1150 Connecticut Avenue, Washington, DC 20036.

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

SUPPLEMENTARY INFORMATION: On June 21, 1983, The Fertilizer Institute filed an application for approval of an agreement that would permit its members to discuss among themselves the amount of rail car allowances on private rail cars.

Shippers entering into such agreements and seeking antitrust immunity must apply to the Commission for approval of their agreement under 49 U.S.C. 10706(a)(5)(A). The Commission will approve an agreement only upon a finding that it furthers the rail transportation policy set forth in 49 U.S.C. 10101a. The Commission can, if necessary, impose conditions to further that policy. If the agreement is approved, the antitrust laws do not apply to parties and other persons with respect to making and carrying out the agreement.

Comments are invited on the proposed agreement, with special attention to the following subjects:

(1) How will this agreement further the transportation policy set forth in 49 U.S.C. 10101a? (Is the requested antitrust immunity necessary?)

(2) Are there any anti-competitive effects that may result because of the agreement?

(3) What, if any, additional safeguards are necessary to ensure that the proposed agreement will not have an undesirable anti-competitive effect or suppress competition among members of the institute?

(4) What other matters should the Commission consider in determining whether the agreement should be approved?

While it does not appear that this action will have a significant effect on the quality of the human environment or conservation of energy resources, comments on these issues are also invited.

(49 U.S.C. 10706(a)(5))

Dated: August 4, 1983.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-21902 Filed 8-10-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Approved Exemptions.

SUMMARY: The motor carriers shown

below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343, 367 I.C.C. 113* (1982), 47 FR 53303 (November 24, 1982).

DATES: The exemptions will be effective on September 12, 1983. Petitions for reconsideration must be filed by August 31, 1983. Petitions for stay must be filed by August 22, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423; or call (202) 269-4357 in the DC metropolitan area; or (800) 424-5403 Toll-free outside the DC area.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[No. MC-F-15249]

Edwards Transfer & Storage Co.—Purchase Exemption—Blue Ridge Transportation Co.

ADDRESS: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423 and

(2) Petitioner's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215

Comments should refer to No. MC-F-15249.

Decided: August 4, 1983.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the purchase by Edwards Transfer & Storage Co., of that portion of the operating rights of Blue Ridge Transportation Co. set forth in Certificate No. MC-159222 Route No. (I)(1)(A)(a). Of Sheet No. 2, which authorizes the motor common carrier transportation of general commodities (except articles of size or weight that makes handling by motor vehicle impractical, bank bills, coins, currency, drafts, notes, or other valuable papers, precious metals, or articles manufactured therefrom, classes A and B explosives, liquid bulk commodities,

and household goods), between Toledo, OH and Detroit, MI: from Toledo over U.S. Highway 24 to Detroit, and return over the same route, serving Toledo, OH for purposes of joinder only, and serving the intermediate and off-route points of Monroe, Dearborn, Ecorse, Haintramek, River Rouge, Blissfield and Wyandotte, MI.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-21902 Filed 8-10-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative

requirements stated in the effective notice to be issued hereafter.

Agath L. Mergenovich,
Secretary.

Please direct status inquiries to Team 3,
(202) 275-5223.

Volume No. OP3-373

MC-FC 81622. By decision dated August 1, 1983, issued under 49 U.S.C. and the transfer rules at 49 CFR Part 1181, the Review Board, Members Krock, Williams and Dowell, approved the transfer to LOOMIX, INC., of Arroyo Grande, CA, of Certificate No. MC-146024 (Sub-Nos. 7 and 8(c)), issued January 21, 1983, and March 25, 1983, respectively. Permits No. MC-146024 (Sub-Nos. 5X, and its underlying MC-146024 Sub 2 and MC-146024 Sub 4, MC-146024 Sub 6, and 8(a)), issued October 12, 1982, November 18, 1982, and February 28, 1983, respectively, and License No. MC-146024 (Sub-No. 8(b)), issued March 25, 1983, to G & R PETROLEUM, INC., of Ontario, OR, authorizing the irregular routes transportation of (1) (a) commodities in bulk, chemicals and minerals between those points in the U.S. in and west of IL, MO, AR, and LA (except AK and HI), and (b) for or on behalf of the United States Government, general commodities (with exceptions), between points in the U.S. (except AK and HI), (2) petroleum, natural gas and their products, between points in the U.S. (except AK and HI), under continuing contract(s) with Wes Hansen, doing business as Hansen Oil Company, of Vale, OR, Bill Stewart, doing business as Stewart Oil Company, of Ontario, OR, Stockman's Oil, Ore-Ida Truck Stop, Inc., Corta Oil Company, Inc., and Price Less Gas, Inc., (b) general commodities (with exceptions), between points in the U.S. (except AK and HI), under continuing contract(s) with Agro-West, Inc., of Wilder, ID, Loomix Incorporated, of Nyssa, OR, and Union Fertilizer, Inc., of Nampa, ID; and (c) general commodities (with exceptions), between points in the U.S. (except AK and HI), under continuing contract(s) with Stauffer Chemical Company, of San Francisco, CA, and as a broker in arranging for the transportation of general commodities (except household goods), between points in the U.S. (except AK and HI). Representative: David J. Marchant, One Maritime Plaza, Suite 3300, San Francisco, CA 94111 (415) 954-0200.

MC-FC 80141 (PARTIAL
REPLICATION). Transferee: L. R.
BOUMA, d.b.a. BOUMA TRANSPORT,
P.O. Box 896, Choteau, MT 59422.
Transferor: SHOEMAKER TRUCKING

COMPANY, (Loren Wetzel, Trustee in bankruptcy), P.O. Box 2864, Boise, ID 83701. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. On July 22, 1983, a notice to the parties was served correcting the decision of April 22, 1983, which granted the transfer application. The appendix at 127 M.C.C. 807, 809-810 of the decision should read: "7(c): Building materials, lumber and wood products and metal products, between points in King County, WA, on the one hand, and, on the other, points in ID, MT, NV, UT, and WY, and 14(1): Clay, concrete, glass or stone products, ores and minerals, chemicals and related products, and materials, equipment and supplies used in the installation of these commodities, between points in OR, WA, and ID, on the one hand, and, on the other, points in AZ, CO, ID, MT, NV, and WY".

Please direct status inquiries about the following to Team 4 at (202) 275-7669.

Volume No. OP4-FC-514

MC-FC-81810. By decision of August 2, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, the Review Board, Members Parker, Joyce and Krock approved the transfer to STUMPS REFRIGERATED EXPRESS, INC., of Tiro, OH, of Certificate Nos. MC-153207 (Sub-No. 3), issued October 1, 1981, and MC-153207 (Sub-No. 4)X, and the underlying authority in MC-153207 (Sub-No. 1), issued April 7, 1982, to NEBRASKA CARRIERS, INC., of Grand Island, NE, authorizing in (Sub-No. 3), the transportation, for or on behalf of the United States Government, general commodities (except household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., in (Sub-No. 4)X and the underlying (Sub-No. 1), the transportation of (1) machinery and metal products, between Chicago and Assumption, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) machinery, metal products, and building materials, between points in Montgomery County, IN, and Hamilton County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Transferee is a carrier under MC-148831. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. (614) 228-1541.

[FR Doc. 83-21803-Filed 8-10-83; 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.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a

useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries about the following to Team Four at (202) 275-7669.

Volume No. OP4-506

Decided: August 3, 1983.

By the Commission, Review Board,
Members: Carleton, Krock and Dowell.

MC-169457, filed July 25, 1983.
Applicant: GARY W. WOODALL AND SHERRILL WOODALL, d.b.a. WOODALL ENTERPRISES, 8916 Aspen NE, Albuquerque, NM 87112.
Representative: James C. Ash, 2524 Vermont NE., Albuquerque, NM 87110, (505) 298-7511. Transporting (1) *forest products*, and (2) *lumber and wood products*, between points in AZ, CO, NM, OK, and TX.

MC-169466, filed July 25, 1983.
Applicant: CARTEL TRANSPORT, INC., 10 S. 076 Alago Rd., Naperville, IL 60565.
Representative: Robert W. Loser II, 512 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 835-2339. Transporting *petroleum and petroleum products*, between points in IL, IN, IA, KY, MI, MO, and WI.

MC-169467, filed July 26, 1983.
Applicant: KENNETH M. MARTSOLF, d.b.a. SULPHUR CREEK ENTERPRISES, P.O. Box 773, Meeker, CO 81641.
Representative: Mark A. Davidson, 601 E. 18th Ave., #107, Denver, CO 80203, (303) 861-8046. Transporting *transportation equipment*, between points in AZ, CA, CO, KS, NM, NV, and UT.

MC-169477, filed July 27, 1983.
Applicant: I. GRACE JORDAN, d.b.a. I. GRACE JORDAN AND SON, 3061 Connell, Central Point, OR 97502.
Representative: I. Grace Jordan (same address as applicant), (503) 779-1172. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with R & R Truck Brokers, Inc., of Central Point, OR.

Volume No. OP4-508

Decided: August 3, 1983.

By the Commission, Review Board,
Members: Williams, Joyce, and Carleton.

MC-169406, filed July 21, 1983.
Applicant: BELLAIRE VAN CO., INC. 88-69 19 Ave., Brooklyn, NY 11214.
Representative: Jack Federico (same address as applicant), 212-ES 2-1018. Transporting *household goods*, between points in CT, DE, FL, GA, MA, MD, NC, NH, NJ, NY, PA, RI, SC, VA, VT, and DC.

MC 169407, filed July 21, 1983.
Applicant: GASTON M. DEBROSSE, d.b.a. DeBROSSE OIL CO., 465 N. Front St., New Bedford, MA 02746.
Representative: Edmond T. DeBrosse (same address as applicant), (617) 999-1226. Transporting *petroleum products*, between points in Newport and Providence Counties, RI, and Bristol County, MA.

MC 169436, filed July 25, 1983.
Applicant: RON NOBACH TRUCKING, INC., 7404 44th Ave., N.E., P.O. Box 284, Marysville, WA 98270.
Representative: James T. Johnson, 1610 IBM Bldg., 1200 5th Ave., Seattle, WA 98101, (206) 624-2832. Transporting *food and related products*, between points in WA, on the one hand, and, on the other, points in CA, ID, AZ, UT, and NV.

MC 169437, filed July 25, 1983.
Applicant: COSTILL TRUCKING, INC., R.D. 3, Box 212, Woodstown, NJ 08098.
Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005, (202) 296-3555. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NY, PA, DE, MD, and DC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP4-510

Decided: August 3, 1983.

By the Commission, Review Board,
Members: Krock, Dowell, and Carleton.

MC 45626 Sub-81, filed July 20, 1983.
Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul St., Burlington, VT 05401.
Representative: Robert H. Steele, Jr., (same address as applicant), (802) 862-9671. Over regular routes, transporting *passengers*, between East Boston, MA and Lincoln, MA: from East Boston over MA Hwy 1A to junction MA Hwy 3, then over MA Hwy 3 to junction Surface Road in Boston, MA, then over city streets to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction MA Hwy 128, then over MA Hwy 128 to Grove Street in Newton, MA, then over Grove St. to MBTA Riverside Terminal in Newton, and return to MA Hwy 128, then over MA Hwy 128 to junction MA Hwy 2, then over MA Hwy 2 to Lincoln, MA, and return over the same route, serving all intermediate points, and (2) between junction MA Hwy 2 and MA Hwy 128 and the MA-NH boundary at Tyngsboro, MA: from junction MA Hwy 2 and MA Hwy 128 over MA Hwy 128 to junction U.S. 3, then over U.S. Hwy 3 to junction Lowell Connector, then over Lowell Connector to Lowell, and return to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction U.S. Hwy 3, then over U.S. Hwy 3 to the MA-NH boundary, and return over the same route, serving all intermediate points.

Note.—(1) Applicant intends to tack the authority herein with its presently authorized authority, and (2) applicant seeks to provide regular-route service in interstate or foreign commerce.

MC 150486 (Sub-2), filed July 28, 1983.
Applicant: WORSLEY TRANSPORT, INC., P.O. Box 3227, Wilmington, NC 28406. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828-0731. Transporting *petroleum and petroleum products, antifreeze, and beer and wine*, between points in NC and SC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, IL, KY, TN, MS, and LA.

MC 160097 (Sub-2), filed July 27, 1983.
Applicant: A. D. WEAVER, d.b.a. WEAVER MOTOR SERVICE, 460 Rodi Road, Pittsburgh, PA 15235.
Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Luria Brothers & Company, Inc., of Cleveland, OH.

MC 169497, filed July 27, 1983.
Applicant: CAROL A. MANN, d.b.a. MANN TRUCKING, Box 892, Wolf Point, MT 59208. Representative: Clarence Mann, Box 1074, Glendive, MT 59330, (406) 365-5636, Ext. 104. Transporting *asphalt, road oil, and petroleum products*, between points in Yellowstone and Cascade Counties, MT, on the one hand, and, on the other, points in ND.

Volume No. OP4-512

Decided: July 29, 1983.

By the Commission, Review Board,
Members: Krock, Williams, and Joyce.

MC 145917 (Sub-4), filed July 25, 1983.
Applicant: STALLMAN TRUCKING, INC., 1114 Brookwood St., Bensenville, IL 60106. Representative: Robert J. Gill, First Commercial Bank Bldg., 410 Cortez Rd. W., Bradenton, FL 33507, (813) 758-4153. Transporting *pulp, paper, paper products, and scrap paper*, between points in the U.S. (except AK and HI).

Volume No. OP4-513

Decided: July 28, 1983.

By the Commission, Review Board,
Members: Joyce, Williams, and Krock.

MC 169416, filed July 25, 1983.
Applicant: A & J TRUCKING, 3692 De Mac Drive, Redding, CA 96002.
Representative: Richard Goold (same address as applicant), (916) 221-3785. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Siskiyou West, Inc., of Yreka, CA and R & R Truck Brokers, Inc., of Central Point, OR.

Please direct status inquiries about the following to Team Four at (202) 275-7669.

Volume No. OP4-515

Decided: August 3, 1983.

By the Commission, Review Board,
Members: Dowell, Krock and Williams.

MC 163116 (Sub-2), filed July 25, 1983.
Applicant: TRAIL CAR, INC., P.O. Box 94982, Schaumburg, IL 60194.
Representative: Robert L. Cope, Suite 501, 1730 M St., NW, Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Trans-Am Shippers Cooperative Association, Inc., of Chicago, IL.

MC 164587 (Sub-3), filed July 28, 1983.
Applicant: CIRCLE W TRANSPORTATION, INC., 290 Leger Rd., North Huntingdon, PA 15642.
Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 864-2000. 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 BenchMark Tool Co., of Jefferson City, MO, and ShopSmith, Inc., of Dayton, OH.

MC 168227, filed July 27, 1983.
Applicant: LUTHER J. SUTHERLAND, d.b.a. UINTAH TOWING SERVICE, 6600 S. Highway 89, Uintah, UT 84403.
Representative: Frank S. Warner, 543 25th St., Ogden, UT 84401, (801) 621-6540. Transporting *mobile and modular homes and offices*, between points in NV, NM, OR, TX, UT, WA, and WY.

MC 168287, filed July 22, 1983.
Applicant: S. B. R. DIMIT d.b.a. SANDPOINT SPOKANE AIRPORT COMMUTER SERVICE, INC., 117 S. 2nd Ave., Sandpoint, ID 83864.
Representative: S. B. R. Dimit (same address as applicant), (208) 263-4018. Transporting *passengers*, in charter and special operations, beginning and ending at points in Bonner County, ID, and extending to points in WA.

Note. — Applicant seeks to provide privately-funded charter and special transportation.

MC 169476, filed July 27, 1983.
Applicant: MIDDLE CREEK FARMS, INC., 8289 Huffine Lane, Bozeman, MT 59715. Representative: Mark D. Reffling, P.O. Box 1288, Bozeman, MT 59715, (406) 587-5511. Transporting *fertilizer*, between points in Bannock and Caribou Counties, ID, on the one hand, and, on the other, points in Gallatin County, MT, under continuing contract(s) with

Gallatin Farmers Company, of Belgrade, MT.

MC 169446, filed July 25, 1983.
Applicant: JACK D. WILSON, P.O. Box 1185, Woodward, OK 73801.
Representative: Dean Williamson, Suite 107, 50 Classen Center, 5101 N. Classen Blvd., Oklahoma City, OK 73118, (405) 848-7946. Transporting (1) *fertilizer and fertilizer ingredients*, (2) *salt*, and (3) *drilling mud*, between points in CO, KS, MO, NE, NM, ND, OK, SD, TX, and WY.

MC 169458, filed July 25, 1983.
Applicant: NORTH BROADWAY WAREHOUSE, INC., 110 Patterson Ave., Trenton, NJ 08610. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, (215) 561-1030. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Genstar Building Materials Company, of Irving, TX. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A), or show that a petition has been filed under 49 U.S.C. 11343(e) seeking an exemption from the requirements of 49 U.S.C. 11343, and or submit an affidavit indicating why such approval is unnecessary to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the applicant(s) for common control to Team 4, Room 2410.

Volume No. OP4-516

Decided: August 4, 1983.

By the Commission, Review Board,
Members: Carleton, Parker, and Dowell.

MC 136927 (Sub-4), filed July 27, 1983.
Applicant: PETERSEN NORTHWEST CORPORATION, d.b.a. PETE'S MOBILE HOME AND MODULAR TRANSPORTING, 21841 Pacific Hwy S., Seattle, WA 98188. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009, (206) 453-0312. Transporting *buildings and buildings in sections*, between points in WA, OR, ID, MT, CA, UT, and NV.

MC 147186 (Sub-4), filed July 29, 1983.
Applicant: TEUFEL BROTHERS, INC., Inman Ave., Avenel, NJ 07001.
Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572-5551. Transporting *petroleum and petroleum products, and coal products*, between points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of Permits in MC-147186 Sub 2F, issued June 8, 1981, and MC-

147186 Sub 3X, issued August 24, 1981. This is a conversion application filed under 49 U.S.C. 10923(e).

MC 167967, filed July 28, 1983. Applicant: J. R. WOODRUFF TRUCKING COMPANY, 1275 N. Oak St., P.O. Box 983, Thomasville, GA 31799. Representative: Jack C. Sanford, 507 N. Broad St., P.O. Box 2385, Thomasville, GA 31799, (912) 228-0521. Transporting *boxes and crates, and wire, iron and steel articles*, between points in Thomas County, GA, on the one hand, and, on the other, points in FL, NC, GA, and SC, under continuing contract(s) with Georgia Crate and Basket Co., Inc., of Thomasville, GA.

MC 169526, filed July 29, 1983. Applicant: LOF PLASTICS INC., d.b.a. PIONEER PLASTICS Pionite Rd., Auburn, ME 04210. Representative: John C. Lightbody, 30 Exchange St., Portland, OR 04101, (207) 773-5651. Transporting *general commodities* (except classes A and B explosives and household goods), between points in CT, DE, ME, MA, MD, NH, NJ, NY, OH, PA, RI, and VT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 169527, filed July 29, 1983. Applicant: L & S CARTAGE COMPANY, INC., 5745 Wyoming, Dearborn, MI 48126. Representative: Robert E. McFarland, 2855 Collidge, Ste. 201A, Troy, MI 48064. Transporting *general commodities* (except classes A and B explosives and household goods, and commodities in bulk), between points in the Lower Peninsula of MI, on the one hand, and, on the other, points in MI, OH, and IN.

MC 169536, filed July 29, 1983. Applicant: CARL D. BOWERS, d.b.a. B & B TRUCKING, 7700 Leanne NE, Albuquerque, NM 87109. Representative: James C. Ash, 2524 Vermont NE, Albuquerque, NM 87110, (505) 298-7511. Transporting *food and related products*, between points in Bernalillo and Sandoval Counties, NM, on the one hand, and, on the other, points in AZ, CA, CO, TX, UT, and WA.

MC 169537, filed July 29, 1983. Applicant: M. BALSDON TRUCKING LTD., 825 Sandy Beach Rd., RR #1, Pickering, Ontario, CN L1W 3N6. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854-5870. Transporting *boats*; between points of entry on the International Boundary line between the U.S. and Canada in NY, MI, and MN, on the one hand, and, on the other, those points in the U.S. in and east of IL, KY, MS, TN, WI, and TX.

Volume No. OP4-518

Decided: August 3, 1983

By the Commission, Review Board. Members: Williams, Joyce, and Carleton.

MC 169356, filed July 21, 1983. Applicant: BSA, INC., 504 Woodvale Dr., DeForest, WI 53532. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705-0086, (608) 238-3119. Transporting *such commodities* as are dealt in or used by manufacturers of floor coverings, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers and distributors of floor coverings.

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-395

Decided: July 29, 1983.

By the Commission, Review Board. Members: Parker, Joyce and Krock.

FF 449 (Sub-2), filed July 15, 1983. Applicant: PEARL FORWARDING INC., 9948 Hibert Street, Suite 222, San Diego, CA 92131. Representative: Andrew P. Lu, 12671 Mengibar Avenue, San Diego, CA 92129, (619) 695-3770. As a *freight forwarder* in connection with the transportation of *used household goods, unaccompanied baggage and used automobiles* between points in the U.S. (including AK and HI).

MC 118159 (Sub-385), filed July 18, 1983. Applicant: DISTRIBUTION SERVICE SYSTEMS, INC., 2961 Interstate Street, Unit 2, Charlotte, NC 28208. Representative: Thomas E. Vandenberg, P.O. Box 2545, Green Bay, WI 54306, 414-498-7689. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of containers, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers and distributors of the above described commodities.

MC 148159 (Sub-1), filed July 18, 1983. Applicant: WAYNE SMITH d.b.a. WAYNE SMITH TRUCKING, 1210 East Branch St., Morrilton, AR 72110. Representative: Fredrick S. Wetzell, III, Suite 727, Pyramid Place Little Rock, AR 72201, (501) 372-5745. Transporting *paper and paper products*, between points in Sunflower, Bolivar, and Leflore Counties, MS, and Baxter County, AR, on the one hand, and, on the other, points in Jasper County, MO, Madison County, TN, and Conway County, AR.

MC 152388 (Sub-2), filed July 21, 1983. Applicant: DOUGLAS BROS. TRUCKING, INC., 7530 Pulaski Rd., Concord, MI 49237. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, 517-482-2400. Transporting *clay, concrete, glass or stone products*, between points in

Calhoun County, MI, on the one hand, and, on the other, points in ND, SD, NE, OK and TX.

MC 166709, filed July 15, 1983. Applicant: DSI, INC., P.O. Box 804, Fredericksburg, VA 22404. Representative: Calvin F. Major, 200 West Grace St., P.O. Box 5010, Richmond, VA 23220, 804-649-7591. Transporting (1) *lumber and wood products*, and (2) *coal/water slurry mixture*, between points in the U.S. under continuing contract(s) with Clayborne C. Beck & Sons, Inc., of Fredericksburg, VA, Foreign & Domestic Woods, Inc., of Bowling Green, VA and Atlantic Research Corporation, ARC-COAL pilot Plant, New Post, VA.

MC 166748 (Sub-1), filed July 20, 1983. Applicant: WILDWOOD INDUSTRIES, INC., 409 S. Center, Bloomington, IL 61701. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, 703-522-0900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. under continuing contract(s) with Weston Paper and Manufacturing Co. of Terre Haute, IN and its subsidiaries.

MC 169229, filed July 14, 1983. Applicant: LARRY A. HURTTGEN, Route 1, Box 36, Spring Valley, WI 54767. Representative: Larry A. Hurtgen, (Same address as applicant) (715) 778-4226. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Pierce, St. Croix, and Dunn Counties, WI, and St. Paul and Minneapolis, MN, and points in Goodhue County, MN.

MC 169308, filed July 18, 1983. Applicant: EXPORT TRANSPORT CO., 1320 North Fleet St., Elizabeth, NJ 07201. Representative: Jack L. Schiller, 111-56 76th Drive, Forest Hills, NY 11375, 212-263-2078. Transporting *foodstuffs*, between New York, NY, on the one hand, and, on the other, points in CT, DE, MA, ME, MD, NH, NJ, NY, PA, RI, and VA.

MC 169368, filed July 19, 1983. Applicant: TRANSPORTATION SERVICES, INC., 3240 S. 61st Street, Philadelphia, PA 19153. Representative: Leonard A. Jaskiewicz, 1730 M Street, NW, Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a

petition has been filed under 49 U.S.C. 11343(e) seeking an exemption from the requirements of 49 U.S.C. 11343, (2) file an application under 49 U.S.C. 11343(A), or (3) submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of this filing to Team 5, Room 2414.

MC 169369, filed July 21, 1983.
Applicant: DAVID HOPKINS, #3
Bowman Rd., P.O. Box 272, Bearden, AR 71720. Representative: Thomas B. Staley, 1500 Tower Bldg., Little Rock, Ar 72201, 501-375-9151. Transporting *building materials*, between points in the U.S. (except AK and HI).

Volume No. OP5-396

Decided: August 2, 1983.

By the Commission, Review board members Joyce, Williams and Dowell.

MC 41098 (Sub-120), filed July 19, 1983.
Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, (202) 833-8884. Transporting *household goods* between points in the U.S., under continuing contract(s) with Pacific Southwest Airlines of San Diego, CA, and its subsidiaries.

MC 118159 (Sub-384), filed July 18, 1983. Applicant: DISTRIBUTION SERVICE SYSTEMS, INC., 2961 Interstate St., Unit 2, Charlotte, NC 28208. Representative: Thomas E. Vandenberg, P.O. Box 2545, Green Bay, WI 54306, (414) 498-7690. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Lowe's Companies, Inc., of North Wilkesboro, NC.

MC 154759 (Sub-2), filed July 21, 1983.
Applicant: WEAVER TRUCKING, INC., Route 1, Box 441, West Helena, AR 72390. Representative: Thomas B. Staley, 1500 Tower Bldg., Little Rock, AR 72201, 501-375-9151. 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 Memphis Plywood Corp., of West Memphis, AR.

MC 169378, filed July 21, 1983.
Applicant: HONK TRUCKING CO., INC., P.O. Box 217, Watertown, WI 53094. Representative: Ronald E. Laitsch, 108 South 2nd St., Watertown, WI 53094, 414-261-9725. Transporting (1) *food and related products*, between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI),

and (2) *lumber and wood products*, between points in the U.S. (except AK and HI).

Volume No. OP5-397

Decided: August 2, 1983.

By The Commission, Review Board Members Krock, Williams and Dowell.

MC 10169 (Sub-10), filed July 22, 1983.
Applicant: HATCHER TRUCKING COMPANY, INCORPORATED., 1515 11th St. N.E., Roanoke, VA 24012. Representative: Robert E. Lindamood (same address as applicant), 703-345-9833. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NC and SC, on the one hand, and, on the other, points in VA, and (2) between points in Sullivan and Washington Counties TN, NC and SC.

MC 47038 (Sub-24), filed July 22, 1983.
Applicant: GRAHAM SHIP BY TRUCK COMPANY, 721 South Packard, Kansas City, KS 66105. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave, Suite 600, Kansas City, MO 64105-1961, 816-221-1464. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AR, CO, IA, IL, KS, MO, NE and OK.

MC 109028 (Sub-20), filed July 22, 1983.
Applicant: S & W TRANSFER, INC., 312 East Wisconsin Ave., Milwaukee, WI 53202. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, 612-542-1121. Transporting *pulp paper and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers and distributors of pulp paper and related products.

MC 130089 (Sub-3), filed July 13, 1983.
Applicant: PRAIRIELAND TOURS AND TRAVEL, INC., 202 Eldorado Road, Bloomington, IL 61701. Representative: Allen C. Zuckerman, 221 North LaSalle St., Suite 826, Chicago, IL 60601 (312) 641-5900. Over regular routes, transporting *passengers*, (1) between St. Louis, MO, and O'Hare International Airport at or near Chicago, IL: (a) from St. Louis over Interstate Hwy 70 to junction Interstate Hwy 55, then over Interstate Hwy 55 to junction Interstate Hwy 294, then over Interstate Hwy 294 to junction Interstate Hwy 190, then over Interstate Hwy 190 to O'Hare International Airport, and return over the same route, (b) from St. Louis over Interstate Hwy 70 to junction Interstate Hwy 55, then over Interstate Hwy 55 to junction Interstate Hwy 72, then over Interstate Hwy 72 to Interstate Hwy 57, then over Interstate Hwy 57 to junction Interstate Hwy 80, then over Interstate

Hwy 80 to junction Interstate Hwy 294, then over Interstate Hwy 294 to junction Interstate Hwy 190, then over Interstate Hwy 190 to O'Hare International Airport, and return over the same route, and (c) from St. Louis over Interstate Hwy 70 to junction Interstate Hwy 55, then over Interstate Hwy 55 to junction Illinois Hwy 121, the over Illinois Hwy 121 to junction Interstate Hwy 74, then over Interstate Hwy 74 to junction Illinois Hwy 29, then over Illinois Hwy 29 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 55, then over Interstate Hwy 55 to junction Interstate Hwy 294, then over Interstate Hwy 294 to junction Interstate Hwy 190, then over Interstate Hwy 190 to O'Hare International Airport, and return over the same route; (2) between Davenport, IA, and Indianapolis, IN over Interstate Hwy 74; (3) between Davenport, IA, and O'Hare International Airport at or near Chicago, IL: from Davenport over Interstate Hwy 74 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 55, then over Interstate Hwy 55 to junction Interstate Hwy 294, then over Interstate Hwy 294 to junction Interstate Hwy 190, then over Interstate Hwy 190 to O'Hare International Airport, and return over the same route; and (4) between Decatur, IL, and LaSalle, IL over U.S. Hwy 51, serving in (1) through (4) above, all intermediate points, and the off-route points of Lambert-St. Louis International Airport, at or near St. Louis, MO, Chicago Midway Airport, at or near Chicago, IL, Greater Peoria Airport, at or near Peoria, IL, Decatur Municipal Airport, at or near Decatur, IL, Vermilion County Airport, at or near Danville, IL, Willard Airport, at or near Champaign, IL, Capital Airport, at or near Springfield, IL, Indianapolis International Airport, at or near Indianapolis, IN, the Quad City Airport, at or near Moline, IL, and the Galesburg Municipal Airport, at or near Galesburg, IL.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route.

MC 146169 (Sub-1), filed July 25, 1983.
Applicant: N.E. SMITH COMPANY, INC., P.O. Box 403, Oneida, TN 37841. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW, Suite 300, Washington, DC 20006, (202) 466-3778. Transporting *lumber and wood products*, between points in the U.S. (except AK and HI), under continuing contract(s) with persons as defined at 49 U.S.C. 10923 who are engaged in business as manufacturers, distributors,

or dealers, of lumber and wood products.

MC 149078 (Sub-12), filed July 25, 1983.
Applicant: ROAD WEST 1315 East Holt Blvd., Ontario, CA 91761.

Representative: Eldon E. Bresee (same address as applicant), (714) 983-0811.
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 152439 (Sub-7), filed July 15, 1983.
Applicant: WILLETT INTERSTATE SYSTEM, INC., 4141 Harrison St., Hillside, IL 60162. Representative: Stephen H. Loeb, Suit 4, 2777 Finley Rd., Downers Grove, IL 60515, (312) 953-0330.
Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

[FR Doc. 83-21904 Filed 8-10-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Bureau of Justice Statistics

Solicitation; Law Enforcement Statistics

The Bureau of Justice Statistics (BJS) announces a competitive solicitation to prepare a state-of-the-art report on currently available law enforcement statistics, exclusive of those published by the Federal Bureau of Investigation, as part of its Uniform Crime Reports series (*Crime in the U.S.*)

Amount of Award and Who May Apply

BJS will award a grant of up to \$15,000 to an organization or individual to prepare a 20-40 page report describing law enforcement management and administrative statistics which are periodically published in professional journals, yearbooks, etc. The period of performance will be 90 days from acceptance of the award by the recipient of the grant. Both profit and nonprofit organizations, as well as individuals, may apply. Because of regulations governing grants, a profit-making firm must agree to waive its fee in the event it is selected.

Receipt of Applications

Applications must be received by 3:00 p.m., EST, September 9, 1983. Applications will be submitted on Standard Form 424 and LEAA Form 4000/3 (Attachment to SF-424). An original and two copies should be mailed to: Bureau of Justice Statistics, Room 1164 A, 633 Indiana Ave., NW., Washington, D.C. 20531.

Selection Process

The Director, BJS, will appoint a selection review committee to evaluate all applications. This committee will recommend to the Director, BJS, one or more applications for award.

FOR FURTHER INFORMATION:

For more information and a copy of the solicitation, write or call: Paul D. White, Bureau of Justice Statistics Room 1164 A, 633 Indiana Ave., NW., Washington, D.C. 20531, (202) 724-7770.

Dated: August 2, 1983.
Stevens R. Schlesinger,
Director, BJS.

[FR Doc. 83-21900 Filed 8-10-83; 8:45 am]

BILLING CODE 4410-18-M

Drug Enforcement Administration

Cannabis with Paraquat, Eradication; Environmental Impact

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Finding of No Significant Impact on the Environment from Eradication of Cannabis with Paraquat.

A Programmatic Environmental Assessment report that discusses the use of the herbicide Paraquat as part of the 1983 cannabis eradication program is available for public review in the Office of the Chief Counsel, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C.

The proposed program includes alternative modes of eradication including the responsible use of Paraquat, under selected circumstances and in accordance with prescribed criteria, where safe, feasible, and cost effective. Accordingly, the Environmental Assessment report does not indicate that there will be any significant effects upon the quality of the human environment. It has been determined, therefore, that an environmental statement is not needed.

This determination was based, in part, on the following factors which are discussed in the report:

(a) the chemical is approved by the Environmental Protection Agency for the proposed use;

(b) application will comply with applicable Environmental Protection Agency labels and State and Federal law;

(c) the use of Paraquat has been discussed extensively in final Environmental Statements prepared by the State Department, Bureau for International Narcotics Matters, in 1979 and 1982;

(d) all mature growths of cannabis that are sprayed will be subsequently incinerated and guards will be posted after spraying to prevent illicit harvest.

The proposed program is primarily for, but not limited to, adoption and implementation by State and local law enforcement agencies with advisement by the Drug Enforcement Administration. The report does not indicate this is a major Federal action significantly affecting the quality of the human environment.

The responsible official is Mr. Francis M. Mullen, Jr., Acting Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C., 20537.

Dated: July 19, 1983.

Francis M. Mullen, Jr.,
Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83-22011 Filed 8-10-83; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506:

Date: August 25-26, 1983

Time: 9:00 a.m. to 5:00 p.m.

Room: 315

Program: This meeting will review applications submitted for the Elementary and Secondary Education Program, Division of Education Programs, for projects beginning after January 1, 1984.

Date: August 29, 1983

Time: 9:00 a.m. to 5:30 p.m.

Room: 415

Program: This meeting will review Fellowships for Independent Study and Research applications in American Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1984.

Date: August 26, 1983

Time: 8:00 a.m. to 5:30 p.m.

Room: 415

Program: This meeting will review Fellowships for Independent Study and Research applications in 20th Century American History, submitted to the Division of Fellowships, for

projects beginning after January 1, 1984.

Date: August 27, 1983

Time: 8:00 a.m. to 5:30 p.m.

Room: 315

Program: This meeting will review Fellowships for Independent Study and Research applications in Philosophy, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1984.

Date: August 24, 1983

Time: 9:15 a.m. to 5:30 p.m.

Room: 415

Program: This meeting will review Fellowships for College Teachers applications in Modern American and British Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1984.

The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, Washington, D.C. 20506, or call (202) 786-0322.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 83-21907 Filed 8-10-83; 8:45 am]

BILLING CODE 7536-01-M

Media Arts Advisory Panel (Media Arts Centers Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is

hereby given that a meeting of the Media Arts Advisory Panel (Media Arts Centers Section) of the National Council on the Arts will be held on August 29-31, 1983, from 9:00 a.m.—5:30 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, These sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-21902 Filed 8-10-83; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel (New Music Performance Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (New Music Performance Section) will be held on August 31—September 2, 1983, from 9:00 a.m.—5:30 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C.

A portion of this meeting will be open to the public on September 1, 1983, from 3:30—5:30 p.m. to discuss policy and guidelines.

The remaining sessions of this meeting on August 31—September 2, 1983, from 9:00 a.m.—5:30 p.m. and on September 1, from 9:00 a.m.—3:30 p.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be

closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202)682-5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-21981 Filed 8-10-83; 8:15 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Human Factors; Meeting

The ACRS Subcommittee on Human Factors will hold a meeting on August 30, 1983, Room 1046, 1717 H Street, NW, Washington, DC.

In accordance with the procedures outlined in the *Federal Register* on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows: *Tuesday, August 30, 1983—1:00 p.m. until the conclusion of business.*

The Subcommittee will review proposed rules and regulatory guides required by Pub. L. 97-425, "Nuclear Waste Policy Act of 1982," Section 306, "Nuclear Regulatory Commission Training Authorization." These rules and regulatory guides relate to the training and qualification of individuals working at nuclear power plants.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff.

their consultants, and other interested persons regarding this review.

Further information about topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, David Fischer (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., edt.

Dated: August 5, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-21994 Filed 8-10-83; 8:45 am]

BILLING CODE 7590-01-M

Agency Information Collection Activities Under OMB Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission: Revision.
2. Title of the information collection: 10 CFR 50.73, Licensee Event Report System.
3. Form number if applicable: NRC 366.
4. How often the collection is required: On occasion.
5. Who will be required or asked to report: Holders of operating licenses for commercial nuclear power plants.
6. An estimate of the number of responses: 26 per plant per year (approximately 2,700 reports for the 104 plants expected to be in operation in 1984).
7. An estimate of the total number of hours needed to complete the requirement or request: 1,200 staffhours per plant per year (approximately 124,800 staffhours for the 104 plants expected to be in operation in FY 1984).
8. Section 3504(h), Pub. L. 96-511 does not apply.
9. Abstract: The Commission is amending its regulations to require the reporting of operational experience at nuclear power plants by establishing the Licensee Event Report (LER) system. The final rule (10 CFR Section 50.73) is needed to codify the LER reporting requirements in order to establish a single set of requirements that apply to

all operating nuclear power plants. The final rule applies only to licensees of commercial nuclear power plants. It will change the requirements that define the events and situations that must be reported, and will define the information that must be provided in each report.

ADDRESSES: Copies of the submittal will be made available for inspection or copying for a fee at the NRC Public Document Room, 1717 H Street, NW, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: Comments and questions should be directed to the OMB Supervisor, Jefferson B. Hill, (202) 395-7340.

Approved: NRC Clearance Officers R. Stephen Scott, (301) 492-8585. Dated Bethesda, Maryland, this 5th day of August 1983.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 83-21996 Filed 8-10-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers Power Co. (Big Rock Point Plant); Exemption

I

The Consumers Power Company (CPC) (the licensee) is the holder of Facility Operating License No. DPR-6 which authorizes operation of the Big Rock Point located in Charlevoix County, Michigan, at steady state reactor core power levels not in excess of 240 megawatts thermal. This license, provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section III.A.6(b) of Appendix J to 10 CFR Part 50 states the following:

"If two consecutive periodic Type A tests fail to meet the applicable acceptance criteria in III.A.5(b), notwithstanding the periodic retest schedule of III.D., a Type A test shall be performed at each plant shutdown for refueling or approximately every 18 months, whichever occurs first, until two consecutive Type A tests meet the acceptance criteria in III.A.5(b), after which time the retest schedule specified in III.D. may be resumed."

The licensee has requested an exemption to this requirement such that the Type A retest schedule of Section III.D. may be maintained at Big Rock Point in spite of the fact that the last two consecutive Type A tests (performed in 1977 and 1982) were failures. The next

Type A test is scheduled for the 1985 refueling outage.

Since the integrated tests in 1977 and 1982 were failures, Appendix J requires the licensee to perform integrated tests during each refueling outage until two consecutive tests were successful. However, the staff has concluded that other corrective actions taken by the licensee address the particular leakage problems at Big Rock Point equally as well as the penalty of increased Type A test frequency. A new feedwater check valve is being installed in series with the old feedwater check valve. The new valve design has a good test history at other plants. Local testing will be performed on the supply vent valves, reactor and fuel pit drain valve, resin sluice valve, and the new feedwater check valve during the current 1983 refueling outage. If these valves do not successfully pass these local tests, appropriate repairs and more frequent local leak rate tests will be required for the affected valves. The increased frequency will be two tests per year to be spaced approximately six months apart until two consecutive tests are successful.

These corrective actions provide an equivalent level of safety as compared to the requirement for more frequent Type A testing. Therefore, we conclude that the exemption should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR Part 50.12, this exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby grants an exemption to Section III.A.6(b) of Appendix J to 10 CFR Part 50 to allow the licensee to maintain the Type A retest schedule of Section III.D of Appendix J. This exemption is one time exemption. The next Type A test is scheduled for the 1985 refueling outage. This exemption does not apply if that test is deemed a failure by the NRC acceptance criteria. Such a failure would constitute two consecutive failures and Section III.A.6(b) would again apply.

The Commission has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland this 29th day of June, 1983.

For the Nuclear Regulatory Commission,
Darrell G. Eisenhut,

Director Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-21905 Filed 8-10-83; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 2304; 70-5688]

Alabama Power Co. et al.; Proposed Financing of Nuclear Fuel

August 5, 1983.

Notice is hereby given that Alabama Power Company ("Alabama"), an electric utility subsidiary company of The Southern Company, a registered holding company, and Alabama's subsidiary company, Columbia Fuels, Inc. ("Columbia"), 600 North 18th Street, Birmingham, Alabama 35291, have filed an application-declaration with this Commission pursuant to Sections 6(a), 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act").

By order in this proceeding dated December 20, 1982 (HCAR No. 22786), Alabama was authorized to acquire the capital stock of Columbia, a new, wholly owned, special purpose subsidiary organized to finance nuclear fuel requirements of Alabama's Joseph M. Farley Nuclear Plant. In addition, pursuant to said order, Columbia entered into a credit agreement with Credit Suisse for a line of credit for nuclear fuel financing of up to \$30,000,000. Columbia now proposes to enter into a credit agreement with Bank of America National Trust and Savings Association ("Bank of America") to provide for a line of credit of up to \$100,000,000 for nuclear fuel financing. The credit agreement with Credit Suisse will continue in effect, resulting in aggregate credit available to Columbia for nuclear fuel financing of \$130,000,000.

Currently, Bank of America extends a line of credit of up to \$60,000,000 through a trust arrangement for financing a portion of Alabama's nuclear fuel requirements (HCAR No. 21243 (October 10, 1979)). In connection with such line of credit, Alabama entered into a fuel lease whereby Alabama leases nuclear fuel from Central Bank of the South as trustee under a trust agreement. Alabama now intends to terminate said trust agreement and proposes that title to the Trust Estate (consisting primarily of nuclear fuel and rights under nuclear fuel contracts) be transferred from the present trustee to Columbia and that Columbia be substituted for the trustee in all respects under the nuclear fuel financing agreements with Bank of America. Additionally, Columbia seeks authority to increase such line of credit with Bank of America up to \$100,000,000 from the existing \$60,000,000 level. The

following table indicates effective rates under the credit agreement assuming full utilization and other assumptions shown:

Interest rate option	Assumed basic rate (percent)	Assumed reserve requirement (percent)	Assumed reserve adjusted rate (percent)	Effective rate (percent)
CD (30 days)	9.125	3.00	9.41	10.04
LIBOR (30 days)	9.75	2.25	9.97	10.47
Finance Bill (30 days)	9.23	3.00	9.52	10.10
Prime	10.50	0	10.50	10.50

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 30, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in 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 in this matter. 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. 22001 Filed 8-10-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20048; File No. SR-MSTC-63-7]

Effectiveness of a Proposed Rule Change by the Midwest Securities Trust Company

August 4, 1983.

On June 27, 1983, the Midwest Securities Trust Company ("MSTC") submitted a proposed rule change to the Commission which would authorize MSTC to assess MSTC participants a new fee concerning American Depository Receipt ("ADR") stock dividends. The proposed rule change would permit MSTC to pass through to participants the fee(s) that the custodian (or other depository) charges MSTC for the issuance of new ADR certificates

RAILROAD RETIREMENT BOARD

Agency Information Collection Activities Under OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (4 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

- (1) Collection title: Public Service Pension Questionnaire.
- (2) Form(s) submitted: G-208.
- (3) Type of request: Revision of a currently approved collection.
- (4) Frequency of use: On occasion.
- (5) Respondents: Individuals or households.
- (6) Annual responses: 10,000.
- (7) Annual reporting hours: 833.
- (8) Collection description: A spouse or survivor annuity under the RR Act may be subjected to a reduction for public service pension. The questionnaire obtains the information needed to determine if the reduction applies and the amount of such reduction.

ADDITIONAL INFORMATION OR COMMENTS:

Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Milo Sunderhauf (202-395-6880), Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

William A. Oczkowski,
Director of Planning and Information Management.

[FR Doc. 83-21963 Filed 8-10-83; 8:45 am]

BILLING CODE 7905-01-M

pursuant to, and for the processing of, the ADR stock dividends.

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934 and Rule 19b-4 thereunder. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate the 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 Securities Exchange Act of 1934.

Publication of the submission is expected to be made in the Federal Register during the week of July 25, 1983. Interested persons are invited to submit written data, views and arguments concerning the submission within twenty-one days from the date of publication in the Federal Register. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-MSTC-83-7.

Copies of the submission, with accompanying exhibits, and of all written comments will be available for public inspection at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing will also be available 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. 83-22002 Filed 8-10-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20041; File No. SR-PHLX 83-10]

Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Stock Exchange, Inc.; Relating to Required Staffing of Options Floor

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 June 24, 1983, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX"), pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 ("Act") hereby proposes to amend the Regulation and Assessment Schedule promulgated under Exchange Rule 60.

(Italics indicate words to be added.)

Regulation 7. Required Staffing of Options Floor

Every options specialist unit, floor brokerage unit, clearing firm, floor broker and registered options trader must have a representative available on the floor thirty minutes before the opening and after the close of trading and one hour after the preliminary trade reports are distributed. Such representative must be authorized to make appropriate changes and corrections to trades of or guaranteed by such specialist unit, floor brokerage unit, clearing firm, floor broker, and registered options trader.

1st Occurrence—Official Warning

2nd Occurrence—\$500.00

3rd Occurrence and thereafter—\$500.00

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 proposed rule change is an administrative regulation¹ promulgated by the Options Committee under Rule 60. Its purpose is to insure that each specialist unit, floor brokerage unit, clearing firm, floor broker, and registered options trader has available

¹ Administrative regulations relate to the operation of the trading floor of the Exchange and the management of the business of the Exchange. See item 3 of SR-PHLX-82-7 (Approved in Securities Exchange Act Release No. 19062, September 27, 1982).

on the floor at specified times a representative who has authority to make appropriate changes and corrections to trades. Failure to comply with Regulation 7 may result in an official warning for the first occurrence and a fine of \$500 for each subsequent occurrence.

The proposed rule change is based on Section 6(b)(5) of the Act which provides, in part, that the rules of the Exchange be designed to facilitate transactions in securities. Further, the proposed rule change is consistent with Section 19(d)(1) of the Act and, specifically, paragraph (c) of Rule 19d-1 thereunder.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or others

No comments on this proposed rule change have been solicited or 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, NW., 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, NW., Washington, D.C., 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 2, 1983.

George A. Fitzsimmons
Secretary.

[FR Doc. 83-22000 Filed 8-10-83; 8:45 am]

BILLING CODE 8010-01-M

[SR-CBOE-83-25; SR-OCC-83-16; Rel. No. 20055]

Chicago Board Option Exchange, Inc. and Options Clearing Corp.; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Changes

August 4, 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 26, 1983, and July 27, 1983, the Chicago Board Options Exchange, Incorporated ("CBOE"), LaSalle at Jackson, Chicago, Illinois 60606, and the Options Clearing Corporation ("OCC"), 200 South Wacker Drive, Chicago, Illinois 60606 respectively, filed with the Securities and Exchange Commission the proposed rule changes as described herein. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

The proposed rule changes are designed to enable the CBOE and other options exchanges to adjust the multiplier on stock index options that are already trading. The CBOE filing would reduce the value of Standard Poor's 500 ("S&P 500") stock index options contract by reducing the multiplier from \$500 to \$100.¹

The OCC filing would amend Section 3(c) of Article XVII concerning index options to provide that, in the event an exchange decreases the multiplier for an index options contract, OCC would proportionately subdivide each such options contract into new contracts, reflecting the new terms. OCC would also have authority to make equitable

adjustments as it deemed fair in the adjustment of such contracts. Under the proposed changes, persons with existing stock index options positions in the S&P 500 index options would have a fivefold increase in their contracts outstanding, but the dollar value of their total position would remain constant.²

The proposed rule changes have been proposed to enable the CBOE to improve the liquidity in its S&P 500 index options contract. CBOE has stated its belief that that contract currently is unsuccessful because of the \$500 multiplier and that a lower multiplier would enable more persons to trade the contract. CBOE has requested an effective date of August 15, 1983 for the proposed rule change so that an orderly transition can be made.

Interested persons are invited to submit written data, views and arguments concerning the submissions 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 Nos. SR-CBOE-83-25 and SR-OCC-83-16.

Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule changes which are filed with the Commission, and all written communications relating to the proposed rule changes 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 organizations.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered securities associations and registered clearing agencies and in particular, the requirements of Section 6 and 17A and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule changes prior to the thirtieth day after the date of

publication of notice of filing thereof in that the filing is designed to increase Liquidity in the S&P 500 index options contract and that the change is without prejudice to existing options holders or writers. The CBOE and OCC have also informed the Commission that they have taken and will take steps to notify all options customers of the adjustments and have allowed ample time for broker-dealers and their customers to become familiar with and adjust to the modification in the size of the options contract. Accordingly, the Commission finds that it is in the public interest to approve the proposed rule changes prior to the thirtieth day after the date of publication of notice of filing.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule changes referenced above be, and hereby is, approved effective August 15, 1983.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-21993 Filed 8-10-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20054]

Midwest Securities Trust Company (File No. SR-MSTC-83-11); Filing and Immediate Effectiveness of Proposed Rule Change

August 4, 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 Midwest Securities Trust Company ("MSTC") 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 adjust MSTC's Schedule of Charges to reflect a reduction in the charge for Depository Delivery Instruction (D.D.I.) processing. This includes Inter-Participant delivery and receipt, Intra-Account delivery and Third Party delivery or receipt items. These fees are being reduced to reflect current cost and volume conditions. MSTC believes the proposed rule change is consistent with Section 17A of the Act in that it provides for the equitable allocation of reasonable dues, fees and other charges among its participants.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of

¹ CBOE has also indicated that effective upon the decrease of the multiplier it will increase the position limits in the S&P 500 from 3,000 to 15,000 contracts.

² For example, if an investor owned one S&P 500 call on August 12 and the closing value of the S&P index is 180, his one contract would be worth \$80,000 (180 x \$500). When trading began on August 15, he would own five S&P 500 calls each being worth \$16,000 (180 x \$100). His total position would still be worth \$80,000.

Securities Exchange Act Rule 19b-4. 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 Fifth Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-MSTC-83-11.

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 Fifth 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. 83-21991 Filed 8-10-83; 8:45 am]
BILLING CODE 8010-01-M

[SR-Phlx-83-4; Rel.No. 20056]

**The Philadelphia Stock Exchange, Inc.;
Notice of Filing and Order Granting
Accelerated Approval of Proposed
Rule Change**

August 4, 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 August 1, 1983, the Philadelphia Stock Exchange, Inc. 1900 Market Street, Philadelphia, PA 19103 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 Amex proposes to amend its By-Law 13-3 regarding qualifications for Exchange membership privileges of certain types of registered broker dealers. The proposed amendment would delete the current prohibition against a bank subsidiary registering as a member organization of the Phlx. Under the proposed by-laws, however, banks would continue to be prohibited from becoming members. The Phlx notes in its filing that the proposed rule change is designed to comply with the current regulatory environment by alleviating the impediment to consideration for membership of otherwise qualified broker/dealer organizations who are eligible for registration with the SEC under the Exchange Act. The Phlx states that the statutory basis for the proposed rule change is Section 6(b) (2) 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, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-Phlx-83-1.

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.

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.

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 in that, by rescinding a membership restriction against bank subsidiaries, the proposed

rule change would permit Phlx to conform its by-laws to the membership requirements of Section 6 of the Act. Section 6(b)(2) of the Act requires that the rules of the exchange provide that any registered broker or dealer may become a member of such exchange provided that specific exchange standards of financial responsibility, operational capability, training, expertise and competence have been satisfied. In addition, the proposed rule change would serve to further the provisions of Section 6(b)(5) by eliminating a distinction in Phlx rules between broker-dealers that are bank subsidiaries and those that are not. Finally, because other national securities exchanges do not have membership restrictions against bank subsidiaries, the proposed rule change would further the provisions of Section 6(b)(8), which requires that exchange rules not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.¹

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. 83-21992 Filed 8-10-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 20052; (SR-NYSE-83-11)]

**Self-Regulatory Organization; New
York Stock Exchange, Inc.; Order
Approving Proposed Rule Change**

August 4, 1983.

The New York Stock Exchange, Inc. ("NYSE") 11 Wall Street, New York, NY 10005, submitted on June 13, 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 modify NYSE Rule 345 by: (i) Deleting subsection (a)(2) which prohibits the employment by a member or member organization of any registered representative or other person in a nominal position because of business obtained by them; (ii) modifying subsection (b) to require

¹ The Commission understands that Phlx currently has pending an application for membership from a bank subsidiary broker-dealer (that apparently also has been granted membership on at least one other securities exchange). Approval of the proposed rule change on an accelerated basis will permit Phlx to process that application as soon as possible.

notice to and approval by the NYSE before an NYSE member corporation may permit any person to assume the duties of an officer with the power to legally bind it; and (iii) modifying Rule 345.14 to require "annual" notice (instead of "prompt" notice) from member organizations to the NYSE concerning the transfer of registered representatives from one office to another.

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. 19893, June 20, 1983) and by publication in the *Federal Register* (48 FR 29645, June 27, 1983). All written statements filed with the Commission and all written communications between the Commission and any person relating to the proposed rule change were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

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 the 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. 83-22003 Filed 8-10-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-20049; File Nos. SR-NYSE-83-29]

**Self-Regulatory Organizations;
Proposed Rule Change; New York
Stock Exchange, Inc.; Relating to
Constitutional Amendments Creating
Separable Options Trading Rights**

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 29, 1983, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The

Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's
Statement of the Terms of Substance of
the Proposed Rule Change**

The Exchange proposed to amend its constitution as follows:

(A) Each of the Exchange's 1366 regular members will be permitted to hold, lease or transfer the right to trade options (an "Options Trading Right") that accrues to his Exchange membership. Where the regular membership has been leased, the Options Trading Right will remain with the lessor unless the lease agreement specifically transfers the right to the lessee.

(B) The Exchange is authorized to offer Options Trading Rights to members of any one or more of the other securities and commodities exchanges in the U.S. who are approved by the Exchange. Any such right will expire one year after the commencement of options trading (three years thereafter in the case of a member of the New York Futures Exchange, Inc.) and may not be transferred or leased.

The Exchange's "annual members" and "electronic access members" will also have non-separable Options Trading Rights by virtue of their membership.

The Exchange also proposes to amend the provisions of its constitution that makes Exchange options contracts subject to the rules both of the Exchange and of The Options Clearing Corporation in order to cause the provision to apply to all Exchange options contracts, whether they are contracts of regular members or of Options Trading Right Holders who are not regular members.

**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**

(1) *Purpose.* The purpose of the proposed rule change is to provide access to the Exchange's index stock group options market to individuals and organizations in addition to the individuals who are Exchange members under the New York Not-for-Profit Corporation Law ("N-PCL members") (i.e., regular members, annual members and electronic access members). In order to develop substantial order flow for index stock group options, the Exchange believes it must attract a large number of traders and market makers to its options market. With this goal in mind, the Exchange has designed an access plan that seeks to obtain added expertise and manpower and to provide the greatest opportunity to develop market making capital and liquidity, and thereby to enable the Exchange to provide a strong competitive presence in index group options.

Subject to Commission approval of the Constitutional amendments, the Exchange Board, at its meeting on July 7, 1983, extended to all members of other securities or commodities exchanges an invitation to apply for Options Trading Rights—that is, the invitation is coextensive with the grant of authority in the Constitutional amendments (except for excluding persons subject to "statutory disqualifications").

By including both in the Constitutional amendments and in the invitation all of the organized markets that conduct trading in securities or commodities futures, the Exchange has reached out directly to the universe of market professionals who can bring relevant experience to the market making and trading functions necessary to support the Exchange's index group options market. Moreover, broker-dealers who are not members of securities or commodities exchanges may avail themselves of the invitation by joining, or otherwise acquiring trading rights on, any other securities exchange or any commodities exchange. They may also gain access to the Exchange's index group options market by acquiring one of the 1366 separable Option Trading Rights accruing to regular members or one of the 1366 regular memberships.

(2) *Statutory Basis.* The proposed rule change is consistent with section 6(b) of the 1934 Act in general, and furthers the objectives of sections 6(b)(2) and 6(b)(5) in particular, in that it broadens access to the Exchange's index group options market and thereby improves its quality.

In affording access to all registered broker-dealers, the access proposal is consistent with section 6(b)(2)'s qualified requirement to that effect. In affording preferential access to members of other exchanges where relevant expertise resides, the access proposal is consistent with section 6(b)(5)'s prohibition against unfair discrimination among broker-dealers. Thus, the proposed rule change is consistent with the requirements of the 1934 Act and rules and regulations thereunder applicable to the Exchange since, as anticipated by section 6(b)(5), it removes impediments to, and otherwise facilitates, a free and open market for index group option transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rules Change Received from Members, Participants or others

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

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: August 4, 1983.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-22004 Filed 8-10-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20050; File No. SR-NYSE-83-30]

Self-Regulatory Organizations; Proposed Rule Change; New York Stock Exchange, Inc.; Relating to Application of Exchange Rules to Options Trading Right Holders

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 29, 1983, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange has recently amended its constitution to provide for separable "Options Trading Rights" as a means of affording access to the Exchange's index stock group options market to individuals and organizations in addition to the individuals who are Exchange members under the New York Not-for-Profit Corporation Law ("N-PCL members") (i.e., regular members, annual members and electronic access members). (See File No. SR-NYSE-83-29, filed contemporaneously with the proposed rule change.) The proposed rule change consists of two forms of agreement subjecting Options Trading

Right Holders and their associated persons to specified constitutional provisions and rules of the Exchange as though they were N-PCL members, allied members, N-PCL member organizations or employees associated with a N-PCL member or member organization, as appropriate. The specified Exchange rules include all of the Exchange's options rules (the 700 series), all of the equity Floor rules made applicable to options transactions by the 700 series rules, and certain of the "upstairs" rules. This last category includes capital and fidelity bonding rules, rules relating to supervision, rules relating to the conduct of customer accounts, margin rules, books and records rules, disciplinary rules and arbitration rules.

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

(1) *Purpose.* Natural persons who are not N-PCL members of the Exchange will be applying to the Exchange to be approved as Options Trading Right Holders as a result of the Constitutional amendments. Corporate and partnership members of other exchanges that are not N-PCL member organizations will also be applying to the Exchange to be approved as Options Trading Right Holders and to be permitted to appoint natural person nominees to exercise their Options Trading Rights. Finally, some natural persons who wish to be approved as Options Trading Right Holders may be associated with broker-dealers that do business in partnership or corporate form. Those organizations, their general partners, principal executive officers, and registered options representatives and principals, and the general partners, principal executive officers, and registered options representatives and principals of non-natural person Options Trading

Right Holders, must also be approved by the Exchange. The Exchange expects that the approval of Options Trading Right Holders and of others associated with such holders will be effected in large part through the use of existing forms (e.g., Form U-4)

The Exchange will be charged with enforcing compliance by Options Trading Right Holders who are not N-PCL members with the 1934 Act, Commission Rules and certain Exchange Rules. Yet the fact that such non-N-PCL members will not be bound by the Exchange Constitution and Rules requires another method to achieve that end. Accordingly, the Exchange proposes that each applicant execute one of the two forms of agreement.

(2) *Statutory Basis.* The requirement that applicants execute agreements that subject them to the Exchange Constitution and Rules is consistent with 1934 Act section 6(b)(2) in that the Exchange will have a contractual basis for enforcing compliance with its rules by Options Trading Right Holders who are not N-PCL members. The application of the Exchange's rules to all Option Trading Right Holders generally is consistent with the requirements of section 6(b)(5) in that members of the public will be provided with useful new hedging and trading opportunities under a scheme of regulation designed to facilitate the maintenance of a fair and orderly market, to prevent fraudulent and manipulative acts and practices, and to promote just and equitable principles of trade.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

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 NW., 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 NW., 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 4, 1983.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-22005 Filed 8-10-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20051; File No. SR-NYSE-83-31]

Self-Regulatory Organizations; Proposed Rule Change; New York Stock Exchange, Inc.; Relating to Index Group Option Fees

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 29, 1983, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

OPTION TRANSACTION FEES

Agency Transaction:	
Per Contract Charge:	
Premium * \$1.00	\$0.15
Premium * \$1.00	.30
Per Side Charge (Comparison)	.02
Principal Transactions:	
Per Contract Charge	.06
Per Side Charge (Comparison)	.02

OPTION TRADING RIGHT HOLDER APPLICATION FEE

Processing fee ¹	\$100.00
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¹ Does not apply to members or member organizations.

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

(1) *Purpose.* The purpose of the proposed rule change is to establish fees to offset in part the Exchange's costs of providing access to and operating its index stock group options market. The transaction fees are comparable to the transaction fees collected or proposed by other index option exchanges. (See, e.g., File No. SR-CBOE-83-19, Release No. 34-19933 (July 1, 1983).) The transaction fees will apply equally to all "N-PCL members" and "Options Trading Right Holders" who are not N-PCL members. (See File No. SR-NYSE-83-29, filed contemporaneously with the proposed rule change.) The \$100 application fee will partially offset the cost of processing applications received from persons who are not N-PCL members who desire to become Options Trading Rights Holders. Since N-PCL members are already Exchange qualified, they will not file applications (except for registration in a particular options floor capacity) and therefore will not be subject to the fee.

(2) *Statutory Basis.* The basis under the 1934 Act for the proposed rule

change is the requirement of section 6(b)(4) that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of 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 Securities Exchange Act of 1934.

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 NW., 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, NW., 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 4, 1983.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-22908 Filed 8-10-83; 8:45 am]

BILLING CODE 9010-01-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 08/08-0059]

Enterprise Finance Capital Development Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration Pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102[1983]), under the name of Enterprise Finance Capital Development Corporation, 935 Stonebridge Condominiums, Snowmass Village, Colorado 81615, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and stockholders of the Applicant are as follows:

Robert N. Hampton, 935 Stonebridge Condominiums, Snowmass Village, Colorado 81615—President
Marilyn S. Hampton, 935 Stonebridge Condominiums, Snowmass Village, Colorado 81615—Vice President
Robert S. Russell, 746 N. Waukegan Road, Lake Forest, Illinois 60045—Vice President, Treasurer and Director
Robert S. Russell, Jr., 803 Forest Avenue, Boulder, Colorado 80302
Michael R. Fayhee, 2237 Wesley Avenue, Evanston, Illinois 60201—Secretary and Director
Jacob Martin, 1103 Raleigh Road, Glenview, Illinois 60025—Director
John Walker, 2519 N. Major Avenue, Chicago, Illinois 60639—Assistant Treasurer
Enterprise Finance Company, Room 1500, One East First Street, Reno, Nevada 89501—Sole Owner

The applicant, a Delaware corporation with its principal place of

business at 935 Stonebridge Condominiums, Snowmass Village, Colorado 81615 will begin operations with \$500,000 paid-in capital and paid-in surplus.

The applicant will conduct its activities principally in the State of Colorado.

Matters involved in SBA's consideration of the Applicant include the general Business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act 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 Snowmass Village, Colorado.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 5, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-21971 Filed 8-10-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/05-0174]

Mount Vernon Venture Capital Co.; Application for a License as a Small Business Investment Company (SBIC)

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to § 107.102 of the SBA Regulations (13 CFR 107.102 (1983)), by Mount Vernon Venture Capital Company, 9102 North Meridian Street, Indianapolis, Indiana 46260 for a license to operate as a small business investment company (SBIC) under the provisions of Section 301(c) of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. *et seq.*).

The proposed general and limited partners and general manager are:

	Percent of ownership
General partners:	
Eugene B. Glick, 215 Williams Court, Indianapolis, Indiana 46260	40
Marilyn K. Glick, 215 Williams Court, Indianapolis, Indiana 46260	40
Bernard Landman, Jr., 9504 Moore Road, Zionsville, Indiana 46278	20
General manager:	
Thomas J. Grande, 4341 Abbey Drive, Carmel, Indiana 46032	
Limited partners:	
Eugene B. Glick, 215 Williams Court, Indianapolis, Indiana 46260	50
Marilyn K. Glick, 215 Williams Court, Indianapolis, Indiana 46260	50

The applicant proposes to begin operations with capitalization, after organization expenses, of approximately \$1,975,000 and will be a source of equity capital and long term loan funds for qualified small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of the publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Indianapolis, Indiana.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies)

Dated: August 5, 1983.

Robert G. Lineberry,
Deputy Associate Administrator for Investment.

[FR Doc. 83-21972 Filed 8-10-83; 8:45 am]

BILLING CODE 8025-01-M

Interest Rate Policy for Preferred Lender Pilot Program

SUMMARY: The Small Business Administration is operating a pilot Preferred Lenders Program (PLP). This program is explained in a notice published in the *Federal Register* on February 23, 1983 (48 FR 7667).

One aspect of PLP is an alternative maximum interest rate policy. The existing policy provides for the maximum interest rate for fixed and variable rate loans to be 2 1/4 percentage points above the base rate for loans with maturities less than seven years

and 2 1/4 percentage points above the base rate for loans with maturities equal to or greater than seven years. SBA is waiving this policy for lenders participating in the PLP and in lieu thereof such lenders will be permitted to use the state legal rate applicable to the particular loan. In order to implement this change, SBA is temporarily waiving the regulation prescribing the maximum interest rate on variable rate loans (13 CFR 120.3(b)(2)(iii)(B)) and is hereby providing notice of this policy for fixed rate loans as required by 13 CFR 120.3(b)(2)(iv). Unless further notice is provided, this waiver and notice of interest rate policy will remain in effect for PLP loans approved in Region II (New York, New Jersey) and Region IX (Arizona, California, Hawaii, Nevada) until May 31, 1984. By that time, SBA will have made a decision regarding the status of the Preferred Lenders Program.

EFFECTIVE DATE: August 11, 1983.

FOR FURTHER INFORMATION CONTACT: Danny J. Gibb, Chief, Financial Institutions Branch or Jim Hammersley, Financial Analyst, 1441 L Street NW., Room 503, Washington, D.C. 20416, (202) 653-6076.

(Catalog of Federal Domestic Programs 59.012 Small Business Loans)

James C. Sanders,
Administrator.

[FR Doc. 83-21970 Filed 8-10-83; 8:45 am]

BILLING CODE 8025-01-M

Pilot Project in the State of Illinois

ACTION: Notice of Temporary Policy

Changes on Selected Illinois Loans.

The Small Business Administration hereby gives notice of the pilot program to take place in the State of Illinois under the auspices of the Illinois Department of Commerce and Community Affairs (IDCCA) and the Illinois Small Business Growth Corporation. The purpose of the pilot program is to provide a mechanism whereby qualifying small businesses in the State of Illinois will be able to receive fixed-rate, long-term financing at lower than market rates.

The program involves the combination of business loans guaranteed by SBA pursuant to section 7(a) of the Small Business Act (15 U.S.C. 638(a)) and loans made with public funds by local governmental entities in Illinois. The identification of a specific market for the guaranteed portion of loans made under this program, in combination with a low interest rate on the funds borrowed from governmental bodies, will provide the borrower with an interest rate significantly below market rates. The IDCCA has identified an investor

(Merrill Lynch, Pierce, Fenner and Smith Federal Financing Department) willing to purchase the guaranteed portion of the fixed-rate, long-term SBA loans.

The IDCCA and SBA anticipate that loans will be available to small business concerns on terms and at interest rates which are relatively more favorable than the terms and rates otherwise available in the State of Illinois. SBA has agreed, based upon the assumptions of better terms and rates to make the following temporary changes in its policies and procedures to facilitate this pilot program only in Illinois and only for a limited period of time.

(1) **Prepayment Premiums or Penalties.** The note (SBA Form 147) presently prohibits the imposition of a prepayment penalty or premium on loans. A form of call protection is necessary to induce the investor to accept a fixed rate on long term loans. Therefore, SBA must waive its present restriction on prepayment penalties or premiums so that loans made under the pilot program can be sold with the favorable terms and conditions.

The prepayment penalty or premium will be a fee paid in excess of the outstanding principal amount a borrower would have to pay in order to prepay the loan either in part or in its entirety. That penalty is a percentage of the outstanding balance of the loan and will decline as a function of time. There will be no prepayment penalty after the fifth year. Payment of such premium or penalty will be the sole responsibility of the borrower and will not be guaranteed by SBA. In the case of the purchase of a loan by SBA (pursuant to SBA's guaranty) for any reason such purchase will effectively be a prepayment with respect to the holder of the Guaranteed Interest Certificate(s) but shall not be subject to any premium or penalty by virtue of the prepayment.

(2) **Interest Rate Buy Down Fee.** Section 120.5(a)(3)(iii) of Title 13 of the Code of Federal Regulations requires that SBA approve all fees paid by a borrower in connection with the SBA guaranteed loan. SBA hereby approves a one-time "interest rate buy down" fee to be paid by the borrower. Such fee will be one percent of the principal amount of the entire loan. The purpose of this fee is to induce the lender to participate in this program of lower interest rate loans and to cover some of the administrative expenses of the Illinois Small Business Growth Corporation for program operation. The interest rate, including this fee, (calculated on an annual percentage rate basis) shall not exceed the SBA maximum interest rate.

(3) *Split interest rate.* SBA has agreed to permit a variable rate of interest on the unguaranteed portion of loans made pursuant to the requirements of this pilot program. This rate shall be subject to the maximum permissible rate published for variable interest rate SBA loans. At the time of default, the rate on the unguaranteed portion will change to the rate on the guaranteed portion of the loan.

Upon completion and closing of the pilot period, SBA will conduct a critique and evaluation in order to determine whether, and to what extent this pilot program has accomplished its stated purpose effectively and efficiently and whether a permanent program of this type would be in the best interest of the small business community.

Loans shall not be approved by SBA under this pilot project before 30 days from the date of this Notice or after September 30, 1984. SBA reserves the right: (1) to extend this pilot for no more than 6 months; and, (2) to terminate the pilot at any time if circumstances indicate that the best interests of the small business concerns in Illinois are not being well served under this pilot project. A copy of this Notice shall be published by IDCCA in newspapers of general circulation in the State of Illinois.

FOR FURTHER INFORMATION CONTACT: James W. Hammersley, Room 501-K, 1441 L Street, NW., Washington, D.C. 20416, (202) 653-6268.

(Catalog of Federal Domestic Assistance Programs No. 59.012 Small Business Loans)

Dated: August 4, 1983.

James Sanders,
Administrator.

[FR Doc. 83-21861 Filed 8-10-83; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 876]

Applications for Permits To Fish in the United States Fishery Conservation Zone; Spain and Denmark

The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) requires all foreign vessels fishing in the U.S. Exclusive Economic Zone to have a permit. Section 204 of the Magnuson Act requires the Secretary of State to publish a summary of applications received.

Individual vessel applications for fishing in 1983 have been received from the Governments of Spain and Denmark (Faroe Islands).

If additional information regarding any application is desired, it may be obtained from: Fees, Permits, and Regulations Division (F/M12), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235. (Telephone: (202) 634-7432).

Dated: August 3, 1983.

Larry L. Snead,

Acting Director, Office of Fisheries Affairs.

Fishery Codes and Designation of Regional Councils Which Review Applications for Individual Fisheries Are as Follows:

Code	Fishery	Regional council
ABS	Atlantic Billfishes and Sharks	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean.
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet	North Pacific
CRB	Crab (Bering Sea)	North Pacific
GOA	Gulf of Alaska	North Pacific
NWA	Northwest Atlantic	New England, Mid-Atlantic.
SMT	Seamount Groundfish (Pacific Ocean)	Western Pacific
SNA	Snails (Bering Sea)	North Pacific
WOC	Washington, Oregon, California Trawl	Pacific
PBS	Pacific Billfish and Sharks	Western Pacific.

Activity Codes Specify Categories of Fishing Operations Applied for Are as Follows:

Activity code	Fishing operations
1	Catching, processing, and other support.
2	Processing and other support only.
3	Other support only.

Nation/vessel, name/vessel type, application No., fishery, and activity

Spain, Bahia de Los Bascos, stern trawler processor; SP-83-0175, BSA, 2 Joint venture. Bacaladera Vasca, Ltd. of Spain and the Alaska Salt Fish Corporation, 880 "H" Street, Suite 200, Anchorage, Alaska 99501, telephone (907) 276-2272, have applied to engage in a joint venture fishery aimed at harvesting 8,000 metric tons (round weight) of Cod and 4,000 m.t. (round weight) of Pollock. The end market for all the fish is Spain. All incidental catch will be returned to the sea. Period of operation will begin in November of 1983.

Denmark (Faroe Islands), Vestlandia, cargo vessel; DA-83-1006, NWA, 3

This fishery application, announced in the **Federal Register** dated July 21, 1983, has been cancelled.

[FR Doc. 83-21862 Filed 8-10-83; 8:45 am]

BILLING CODE 4710-09-M

[Public Notice 879]

Assistance Under the Foreign Assistance Act in Fiscal Year 1983 to Bolivia

May 26, 1983.

Determination under Section 620(q) of the Foreign Assistance Act of 1961, as amended ("the Act"), that it is in the National Interest to Furnish Assistance under the Act in Fiscal Year 1983 to Bolivia.

By virtue of the authority vested in me by Section 620(q) of the Act and Executive Order 12163, as amended, I hereby determine that it is in the national interest of the United States to furnish assistance under the Act in Fiscal Year 1983 to Bolivia, notwithstanding that the Government of Bolivia is more than six months in default in payment of principal and interest on loans made under the Act.

This determination shall be reported to Congress.

This determination shall be published in the **Federal Register**.

Kenneth W. Dam,

Acting Secretary of State.

[FR Doc. 83-21861 Filed 8-10-83; 8:45 am]

BILLING CODE 4710-29-M

[Public Notice 877]

El Salvador; Certification To Authorize Continued Assistance

Subject: Certification to Authorize Continued Assistance for El Salvador.

Pursuant to Section 728 (b), (d), and (e) of the International Security and Development Cooperation Act of 1981, as amended, and applicable delegations of authority, I hereby determine and certify:

(1) That the Government of El Salvador is making a concerted and significant effort to comply with internationally recognized human rights;

(2) That the Government of El Salvador is achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens;

(3) That the Government of El Salvador is making continued progress in implementing essential economic and political reforms, including the land reform program;

(4) That the Government of El Salvador is committed to the holding of free elections at an early date and to that end has demonstrated its good faith efforts to begin discussions with all major political factions in El Salvador which have declared their willingness to

find and implement an equitable political solution to the conflict;

(5) That, since the third such certification was made, the Government of El Salvador has made good faith efforts both to investigate the murders of the seven United States citizens in El Salvador in December 1980 and January 1981 and to bring to justice all those responsible for those murders, and has taken all reasonable steps to investigate the killing of Michael Kline in El Salvador in October 1982.

Therefore, to the extent otherwise consistent with law, the furnishing of assistance for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961, the issuance of letters of offer and the extension of credits and guarantees for El Salvador under the Arms Export Control Act, and the assignment of members of the Armed Forces to El Salvador to carry out functions under those Acts are hereby authorized.

This certification together with the justification therefor shall be reported to the Congress immediately.

This certification shall be published in the **Federal Register**.

Dated: July 20, 1983.

George P. Shultz,
Secretary of State.

[FR Doc. 83-21879 Filed 8-10-83; 8:45 am]
BILLING CODE 4710-25-M

[Public Notice 878]

Assistance Under the Foreign Assistance Act in Fiscal Year 1983 to Costa Rica

Determination under Section 620(q) of the Foreign Assistance Act of 1961, as amended ("the Act"), that it is in the National Interest to Furnish Assistance Under the Act in Fiscal Year 1983 to Costa Rica.

By virtue of the authority vested in me by Section 620(q) of the Act, Executive Order 12163, as amended, and Delegations of Authority issued thereunder, I hereby determine that it is in the national interest to furnish assistance under the Act in Fiscal Year 1983 to Costa Rica, notwithstanding that the Government of Costa Rica is more than six months in default in payment to the United States of principal and interest on loans made under the Act.

This determination shall be reported to Congress and be published in the **Federal Register**.

Dated: March 18, 1983.

George P. Shultz,
Secretary of State.

[FR Doc. 83-21880 Filed 8-10-83; 8:45 am]
BILLING CODE 4710-29-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee: Public Hearings on the Possible Renewal of the NTT Agreement

SUMMARY: This publication gives notice that the Trade Policy Staff Committee will conduct public hearings on consideration of the possible renewal of the U.S./Japanese Agreement on Purchases by the Nippon Telegraph and Telephone Public Corporation (the NTT Agreement).

1. Public Hearings

The Chairman of the Trade Policy Staff Committee invites public comments on consideration of the possible renewal of the NTT Agreement. Such comments will be considered by the Executive Branch in deciding whether it is in the interest of the United States to extend the NTT Agreement. The Committee is inviting specific comments on the merits of extending the Agreement, including comments on the text of the Agreement and on the operation of the Agreement to date.

Interested parties are invited to submit testimony or written comments on this issue.

2. Requests to Participate in the Public Hearings

Hearings will be held on October 12, beginning at 10:00 a.m., in Washington, D.C. in the GSA Auditorium at 18th and F Streets and will continue on October 13 if there is sufficient interest. Parties wishing to testify orally at the hearings must provide written notification of their intention by September 23, 1983 to Carolyn Frank, TPSC Secretary (Office of the U.S. Trade Representative, Room 500, 600 17th Street, N.W., Washington, D.C. 20506) giving:

- (1) Their names, addresses and telephone numbers; and
- (2) A brief summary of their presentation.

Those parties presenting oral testimony must submit a complete written brief by September 30, 1983.

Remarks at the hearing should be limited to no more than 15 minutes to allow for possible questions from the Chairman and the interagency panel. Participants should provide twenty typed copies of their oral presentation at the time of the hearings.

Persons not wishing to participate at the hearings may submit a written statement in twenty copies by October 21 to the Office of the U.S. Trade Representative at the address noted above.

Parties are referred to Section 2003 of Title 15 of the Code of Federal Regulations for the Committee's rules concerning oral testimony, the submission of written briefs, the treatment of business confidential information and other procedures related to TPSC public hearings.

3. Background

The NTT Agreement was signed on December 19, 1980 and entered into force on January 1, 1981. The purpose of the Agreement is to open purchases by NTT to U.S. firms on a non-discriminatory basis. To that end, the Agreement provides detailed requirements regarding NTT's procurement procedures to ensure that these procedures do not constitute a hidden barrier to U.S. firms trying to sell to NTT.

The Agreement expires on December 31, 1983 but may be renewed for a further three years if the governments of the United States and Japan so agree. The Executive Branch is currently evaluating whether it would be in the interest of the United States to extend this Agreement. As essential element of this evaluation is an effort to determine, based on the experiences of the private sector, whether the Agreement has functioned satisfactorily and whether it has or is likely to produce the expected positive commercial results. These hearings are part of this process of evaluation of the Agreement.

4. Comments

Comments are particularly invited on:

- (a) General observations regarding the operation of the Agreement;
- (b) Experiences in selling, or attempting to sell, to NTT;
- (c) Particular benefits or drawbacks to extending the Agreement; and
- (d) Any modifications in the Agreement which would be desirable if the Agreement were to be renewed.

5. Additional Information

Any questions with regard to the possible renewal of the NTT Agreement should be directed to David Shark, Director, International Procurement Policy, Office of the United States Trade Representative, Room 503, 600 17th

Street, N.W., Washington D.C. 20506;
telephone (202) 395-3063.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 83-21905 Filed 8-10-83; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular on Design Considerations Concerning the Use of Titanium in Aircraft Turbine Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of issuance of Advisory Circular.

SUMMARY: The FAA has issued an Advisory Circular (AC) intended to provide guidance for demonstrating compliance with the design requirements of Part 33 to reduce the probability of internal fires when titanium is used in aircraft turbine engines. This circular was published in the Federal Register on January 19, 1981 (46 FR 5116). Comments were received and were considered in writing the final issue of the AC. This circular is not a regulation and is issued for guidance purposes only.

DATE: The AC was issued by the Engine and Propeller Certification Directorate in Burlington, Massachusetts, on July 28, 1983.

ADDRESS: Copies of the AC are available for inspection at: Department of Transportation, Federal Aviation Administration, New England Region, Engine and Propeller Certification Directorate, 12 New England Executive Park, Burlington, Massachusetts 01803.

A copy of the AC may be obtained by writing to the United States Department of Transportation, Publications Section, M-443.1, Washington, D.C. 20590.

Issued in Burlington, Massachusetts, on July 28, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83-21739 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-13-M

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 2-1 of the Federal Aviation

Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: A review of the effectiveness of flow management on a national level.

DATE: Beginning September 6, 1983, at 11 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed three weeks.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 7 A/B, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, Room 1005, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, (202) 426-3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT-1, 800 Independence Avenue, SW., Washington, D.C. 20591, by August 30, 1983. Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C. on August 2, 1983.

Karl D. Trautmann,

Manager, Special Project Staff, Air Traffic Service.

[FR Doc. 83-21736 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-13-M

General Aviation District Office at Fresno, California; Relocation

Notice is hereby given that on or about August 6, 1983, General Aviation District Office Number 4 at Fresno, California will be relocated to 4955 E. Anderson Avenue, Suite 110, Fresno, California 93727. Services to the general aviation public will continue without interruption. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Los Angeles, CA, on August 2, 1983.

R. L. Devereaux,

Acting Director, Western-Pacific Region.

[FR Doc. 83-21985 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION Federal Highway Administration

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Interagency Agreement on Federal Lands Highways Program for Indian Reservation Roads

AGENCY: Federal Highway Administration (FHWA), DOT and the Bureau of Indian Affairs (BIA), Interior.

ACTION: Notice of Agreement.

SUMMARY: This notice sets out the text of an interagency agreement between the FHWA and the BIA with regard to the Federal Lands Highways Program for Indian reservation roads. This agreement supersedes the previous agreements between the BIA and the FHWA, dated July 30, 1974, and July 11, 1979, as amended.

EFFECTIVE DATE: May 24, 1983.

FOR FURTHER INFORMATION CONTACT: In FHWA: Mr. Thomas Edick, Office of Direct Federal Programs, (202) 426-0456; or Mr. Jerry Boone, Office of the Chief Counsel, (202) 426-0761, 400 Seventh Street, SW., Washington, D.C. 20590. In BIA: Mr. Robert Fleak, Division of Transportation, (202) 343-6041, 1951 Constitution Avenue, NW., Washington, D.C. 20245. Office hours for both agencies are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: On January 6, 1983, the President signed into law the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424, 96 Stat. 2097). Section 126 eliminated the separate provisions of chapter 2 of title 23, United States Code, which provided for certain classifications of Federal lands highways including Indian reservation roads, and established in lieu thereof under 23 U.S.C. 202 and 204 a coordinated Federal Lands Highways Program under which such classification of public roads on or providing access to Indian reservations is included. The interagency agreement set out in this document pertains to the Indian reservation roads portion of the Federal lands highways. The other Federal lands highways under this program, but not addressed in this document are forest highways, park roads, parkways, and public lands highways.

Since the former interagency agreements between the FHWA and the BIA do not reflect changes required by section 126 of the Surface Transportation Assistance Act of 1982, revision of these agreements is required.

The act places the technical oversight and coordinating responsibility for Federal lands highways on the Secretary of Transportation in order to ensure that such highways are treated under similar, uniform policies as established pursuant to 23 U.S.C., including conformity to highway design, construction, maintenance, and safety standards adopted for Indian reservation roads. It should be emphasized, however, that the Act does not transfer jurisdiction of the Federal lands highways from the agencies that manage the respective Federal lands. Rather, it involves the FHWA in coordination with the land managing agency in the planning studies and program development of the Federal Lands Highways Program. The FHWA will also provide design and construction assistance to the land managing agencies. Further, the Act provides that all appropriations for the construction and improvement of Indian reservation roads shall be administered in conformity with regulations jointly approved by the FHWA and the BIA.

The text of the agreement is set forth below.

Issued on: July 27, 1983.

Kenneth L. Smith,

Assistant Secretary—Indian Affairs, Bureau of Indian Affairs.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

United States Department of the Interior and Department of Transportation, Washington, D.C.

Agreement between the Bureau of Indian Affairs and the Federal Highway Administration

1. The agreement as set forth below between the Bureau of Indian Affairs, Department of the Interior, and the Federal Highway Administration, Department of Transportation, is published as a matter of public record and shall be effective on the date of the approving signatures.

2. This agreement supersedes the previous agreements between the Bureau of Indian Affairs, Department of the Interior, and the Federal Highway Administration, Department of Transportation, dated July 30, 1974, and July 11, 1979, as amended. Indian reservation road projects which have FHWA plans, specifications, and estimates (PS&E) approval and will be advanced to construction in fiscal year 1983 under previous agreements shall be completed in accordance with those agreements and procedures.

Memorandum of Agreement Between the Bureau of Indian Affairs and the Federal Highway Administration Relating to Indian Reservation Roads

Whereas, the Department of the Interior, acting through the Bureau of Indian Affairs (BIA), in fulfillment of its statutory

responsibilities under the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Buy Indian Act (25 U.S.C. 47), and the Indian Self Determination Act (Pub. L. 93-638), must engage in a continuing program of planning, programming, construction, reconstruction, and improvement of roads, including bridges, tunnels, and appurtenances; and

Whereas, the Federal Lands Highways Program as established within the Surface Transportation Assistance Act of 1982 and more specifically defined in Section 126; and 23 U.S.C. 202 shall be the basis for the funding of work involved with the planning, engineering, and construction of new routes and improvements on existing Indian reservation roads and correction of identified safety hazards; and sums authorized to be appropriated shall be allocated for Indian reservation roads according to the relative needs of the various reservations; and

Whereas, 23 U.S.C. 204(f) as amended, provides that appropriations for the construction and improvement of Indian reservation roads shall be administered in conformity with regulations jointly approved by the Secretary of Transportation and the Secretary of the Interior; and also, in order to carry out this Federal Lands Highways Program, the BIA and the Federal Highway Administration (FHWA) shall jointly develop highway design, construction, maintenance, and safety standards in accordance with 23 U.S.C. 402 (23 CFR 1230);

Now, therefore, the BIA and FHWA do hereby mutually agree as follows:

I. General

It is mutually recognized that:

A. The BIA is responsible for the implementation of the Federal Government's trust responsibilities to the lands of the Indian people, and is vitally interested in the development of a public road system which will provide transportation facilities and provide access for use and development of Indian lands.

B. The BIA shall carry out a transportation planning process for Indian reservation roads, deemed to be adequate to support the construction and improvement program similar to 23 U.S.C. 307, and 25 U.S.C.

C. The BIA shall develop and submit to FHWA a priority program of projects for approval and allocations of sums authorized. Program and policy review conferences will be scheduled as mutually agreed between BIA and FHWA.

D. The FHWA and BIA shall jointly determine respective responsibility for execution of the approved program. The FHWA shall ensure that the performance of such work shall be in conformance with similar established policies of, and pursuant to, 23 U.S.C.

E. To the fullest extent possible and in the interest of avoiding any duplication of services and costs, and unless otherwise provided, it is understood and agreed that at the request of BIA, FHWA shall be available to perform planning assistance, research, engineering studies, traffic engineering services, project development, and construction contract administration. The FHWA shall ensure that the performance of such work shall be in conformance with

similar established policies of 23 U.S.C. The BIA shall be responsible for transportation planning.

F. The FHWA and BIA will cooperate to implement the provisions of law providing for Indian preference in employment, minority business set aside, preferential Indian subcontracting, and training and assistance to minority contractors.

G. The BIA, upon request, shall furnish highway statistic data on capital outlay and maintenance expenditures to FHWA for the annual "Highway Statistics" publication.

II. Roles and Responsibility

A. Based upon the approved program of projects, BIA and FHWA will jointly agree on a division of program responsibility and will provide the supervision for carrying out the project execution as herein defined.

B. For those activities and projects which FHWA will be carrying out the following applies:

1. Project agreements will be executed between FHWA and BIA covering specifics not herein described.

2. The FHWA shall conduct planning and engineering studies, inventories, investigations, reconnaissance surveys, or other studies undertaken with the participation of the BIA and shall submit same to the BIA for review and concurrence.

3. The FHWA shall undertake the preparation of plans, specifications, and detailed cost estimates, which shall be submitted to the BIA Area Director for review and concurrence. Environmental documents shall be prepared and approved in accordance with the National Environmental Policy Act (NEPA) by FHWA. As determined appropriate, on a project-by-project basis, the NEPA document will also be subject to the concurrence and/or approval of BIA. The notification and public involvement process will be in accordance with 23 U.S.C., 25 U.S.C., and the appropriate Executive order as jointly agreed to in the project agreement.

4. Concurrences furnished to the FHWA for PS&S will be in writing from the BIA Area Director.

5. The FHWA will advertise, award, and administer the contract for the construction of the project in conformance with the approved plans and specifications.

6. Any changes of the contract plans or specifications shall have the concurrence of the BIA Area Director before they are adopted by FHWA. Changes affecting program priorities will be approved by FHWA/BIA Headquarters.

7. The FHWA shall furnish project status reports to the BIA as required and afford the BIA the opportunity to participate in project inspections, including final inspection. The BIA shall furnish written recommendations to FHWA for project acceptance prior to FHWA's acceptance and final payment to the contractor.

8. Upon completion and acceptance of each contract, FHWA shall furnish to the BIA a final construction report and as-constructed plans.

9. The FHWA shall be responsible for all payments to contractors and for any services of a State or civil subdivision thereof which

are completed under the responsibility of FHWA.

C. For those activities and projects which BIA will be carrying out, the following applies. The BIA shall:

1. Perform required planning, environmental, public notification, engineering, and architectural services needed for each project in accordance with established regulations and responsibilities;
2. Advertise, award, and administer the contracts in conformance with the approved plans and specifications; and
3. Be responsible for all payments to contractors and for any services of a State of civil subdivision thereof which are undertaken for the BIA.

D. Funding and Reporting:

1. Obligational (contract) authority shall be transferred to BIA for projects which BIA shall have program responsibility by allocation letter from FHWA. Liquidating cash will be transferred to BIA to meet current expenditure needs. Requests for cash should be in writing and addressed to the Chief, Finance Division, FHWA.

2. For the Federal Lands Highways Program, on projects which the BIA undertakes, the BIA shall furnish the following reports and data as indicated: (a) Monthly SF-133, Report on Budget Execution, reflecting specific financial and budget data for each different types of allocation and overall summary by Treasury symbol; (b) annual TFS-2108, Year-End Closing Statement; (c) monthly report on total cumulative obligations and expenditures for each project; (d) annual obligations and expenditures for each project including planning and research, engineering and special studies, preparation of PS&E, construction contract administration and inspection costs, contract payments, and any direct or indirect overhead charges; and (e) other reports as may be required.

3. For all non-Federal Lands Highways Program projects funded directly through Department of the Interior, BIA appropriations, and for which FHWA has been assigned responsibility, obligation authority and liquidating cash shall be transferred to FHWA. Transfer shall be accomplished by SF-1151.

4. The FHWA shall furnish reports for the portion of BIA funded projects undertaken by FHWA including: (a) Monthly SF-133, Report on Budget Execution, reflecting specific financial and budget data for each different type of allocation and overall summary by Treasury symbol; (b) annual TFS-2108, Year-End Closing Statement; (c) monthly report on total cumulative obligations and expenditures for each project; (d) annual obligations and expenditures for each project including research and planning, engineering and special studies, preparation of PS&E, construction contract administration and inspection costs, contract payments, and any direct or indirect overhead charges; and (e) other reports as may be required.

E. General responsibilities are as follows:

1. The BIA and FHWA shall exchange information on any contract claims or litigation arising out of, or in connection with, a project. When the BIA is the Contracting Officer, the Department of the Interior Board

of Contract Appeals shall have jurisdiction. When the FHWA is the Contracting Officer, the Department of Transportation Contract Appeals Board shall have jurisdiction.

2. All requests for FHWA technical assistance on projects being developed by BIA shall be in writing.

3. The design and construction of highway projects will be in accord with the applicable provisions of 23 U.S.C. and the latest edition of the Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects. Design and construction of low-volume roads (estimated 20-year average daily traffic under 400) shall be in accord with good engineering practices or with standards to be adopted.

4. The BIA will request PS&E approval from the FHWA with such certification that the plans comply with 23 U.S.C. and other applicable Federal regulations. The FHWA shall approve the project for advancement to construction. These approval requirements may be modified by agreement with an alternative approval and acceptance process.

5. The BIA will keep the FHWA advised of the status of the ongoing projects. The FHWA may participate in the intermediate inspections and shall make a final inspection.

6. The right-of-way, railroad agreements, and utility adjustment matters will be the responsibility of BIA, unless otherwise agreed to with respect to the particular project.

7. The BIA will develop, adopt, and enforce road maintenance and safety standards as required in 23 U.S.C. 116, 204(a), and 402.

8. A program and policy review conference will be conducted as necessary. Information for such conferences will include the following:

- a. The BIA will provide:
 - (1) A list of projects with supporting data that will best meet its transportation needs for the short- and long-range objectives;
 - (2) Status reports on transportation planning activities including State and local land and resource management planning for Indian land development which affect an existing or proposed road; and
 - (3) Identification of funding needs for special studies, research, surveys, and design.

b. The FHWA will provide:

- (1) The latest information on available financing and its effects on the proposed program;
- (2) The status of existing projects and agreements and any supporting information that may be required in analysis and review of future projects; and
- (3) Recommendations as to possible alternatives and changes that should be considered as a result of a review and analysis of data provided by BIA.

9. Following the program and policy review conference and upon written request from the BIA, the FHWA will approve the program of projects or changes thereto and allocate the funds authorized. Program changes and modifications as proposed by BIA shall be submitted to FHWA for reprogram approval.

10. The FHWA shall be responsible for presenting budget and program information to the Congress as required. The BIA and FHWA will cooperate in collecting information and preparing reports as may be required.

III. Summary

A. The FHWA and BIA personnel are encouraged to consult with each other during construction and to agree on such matters as fall within their scope of responsibility. Matters which require consideration at a higher level should be referred to the appropriate authority in each agency.

B. This agreement is not intended to fix the procedure to be followed so rigidly as to prevent logical, practical, and responsible actions by the FHWA or BIA; but rather to fix a general and uniform procedure for most projects and situations.

C. This agreement shall become effective on the date of the approving signatures. Termination of this agreement or renegotiation of any part shall be by the mutual concurrence of both parties.

Approved:

Dated: May 24, 1983.

Kenneth L. Smith,

Assistant Secretary—Indian Affairs, U.S. Department of the Interior.

R. A. Barnhart,

Federal Highway Administrator, U.S. Department of Transportation.

[PR Doc. 83-21231 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. IP83-12; Notice 1]

Olin Corporation; Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

Olin Corporation of New Haven, Connecticut, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with Motor Vehicle Safety Standard No. 116, *Motor Vehicle Brake Fluids*, (49 CFR 571.116) on the basis that it is inconsequential as it relates to motor safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S5.1.9(a)(3) of Standard No. 116, establishing requirements for water tolerance at low temperature, specifies that after testing "if cloudiness had developed, the wet fluid shall regain its original clarity and fluidity when warmed to room temperature." Olin Corporation has discovered that fluid in a lot of over 8,000 gallons has a cloudy appearance. The lot was shipped to Wagner Electric Corporation on September 10, 1982, for repackaging and

distribution to the Atlas Division of Amoco, Inc. Before shipment, the lot was tested to Standard No. 116 and found to comply with all requirements, including those of S5.1.9(a)(3). Petitioner has analyzed its retained sample and determined that the cloudiness was due to the presence of polyethylene glycol. That chemical was among the contaminants which formed because a solvent (TMPE) routinely added to the brake fluid during the manufacturing process apparently was not within specification. The sample, however, was found to comply with all of the performance requirements of the standard. Thus, petitioner argues that the noncompliance is inconsequential as it relates to motor vehicle safety. Although it is recalling all the fluid remaining in Wagner's possession, it believes that a minor portion of it may have been sold.

Interested persons are invited to submit written data, views and arguments on the petition of Olin Corporation described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered.

The application and supporting materials and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the Federal Register pursuant to the authority indicated below.

The engineer and attorney principally responsible for this notice are Vern Bloom and Taylor Vinson, respectively.

Comment closing date: September 12, 1983.

(Sec. 102, Pub. L. 93-494, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on August 3, 1983.

Kennerly H. Digges,
Acting Associate Administrator for Rulemaking.

[FR Doc. 83-21697 Filed 8-10-83; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Product Recall; High Pressure Composite Hoop Wrapped Cylinders (4500 PSIG Marked Service Pressure; DOT-E 7235)

In response to notification of cylinder failures and the request by the manufacturer to the Office of Hazardous Materials Regulation (OHMR) for a recall of all cylinders possibly associated with the failed cylinders, this notice of product recall is issued.

We have been advised that the manufacturer, Luxfer USA Limited, has initiated a product recall of all 4,500 psig aluminum/fiberglass hoop-wrapped 30-minute cylinders used as breathing apparatus bearing serial numbers WA43160 through WA50178 and WF20321 through WF21548.

Luxfer is initiating this recall because it has recently discovered that a number of its 4,500 psig aluminum/fiberglass cylinders produced since mid-1982 have developed leaks; in two instances, the cylinders subject to this recall ruptured. Although testing of affected cylinders has not yet been completed, information being developed confirms a metallurgical abnormality in the parts subject to this recall.

No injuries have occurred as a result of these incidents, but users of these cylinders should be advised that serious personal injury, death or property damage could result from the rupture of a cylinder. Accordingly, all persons owning, using or having access to the cylinders subject to the recall should immediately take the following precautions:

1. If a cylinder has been filled, its entire contents should be vented in order to relieve internal pressure.
2. The vented cylinders should be segregated from all other cylinders by being placed in a secure place and marked conspicuously with a tag bearing the notation "Do Not Use" or similar warning.
3. Under no circumstances should any of the cylinders in question be sold or otherwise transferred, filled, refilled or used for any purpose.

Once the above procedures have been implemented, all cylinders bearing the serial numbers indicated should be returned for replacement to the company or distributor from whom they were purchased.

FOR FURTHER INFORMATION CONTACT:
Paul Seay, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 755-4906. Office hours are: 8:30 a.m. to 5:00 p.m., Monday through Friday.

(49 U.S.C. 1801 et seq., 49 CFR 1.53(e))

Issued in Washington, D.C. on August 9, 1983.

Joseph T. Horning,

Acting Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-22182 Filed 8-10-83; 10:23 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular Public Debt Series—No. 24-83]

Bonds; 2008-2013

The Secretary announced on August 4, 1983, that the interest rate on the bonds designated Bonds of 2008-2013, described in Department Circular—Public Debt Series—No. 24-83, dated July 28, 1983, will be 12 percent. Interest on the bonds will be payable at the rate of 12 percent per annum.

Washington, August 5, 1983.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-21859 Filed 8-10-83; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular Public Debt Series—No. 23-83]

Series C-1993

The Secretary announced on August 3, 1983, that the interest rate on the notes designated Series C-1993, described in Department Circular—Public Debt Series—No. 23-83 dated July 28, 1983, will be 11½ percent. Interest on the notes will be payable at the rate of 11½ percent per annum.

Washington, August 4, 1983.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-21860 Filed 8-10-83; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register

Vol. 48, No. 156

Thursday, August 11, 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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1

CONSUMER PRODUCT SAFETY COMMISSION

Commission Meeting

TIME AND DATE: 10 a.m., Monday, August 15, 1983.

LOCATION: Third Floor Hearing Room, 1111 18th Street, N.W., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Potential Hazards Associated with Mesh-sided Cribs and Playpens

The Commission will meet with members of the Juvenile Products Manufacturing Association (JPMA) to discuss potential asphyxiation hazards associated with mesh-sided cribs and playpens.

For a recorded message containing the latest agenda information: call 301-492-5709.

CONTACT PERSON FOR ADDITIONAL

INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207; 301-492-6800.

[S-1155-83 Filed 8-9-83; 11:18 am]

BILLING CODE 6355-01-M

2

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, August 16, 1983, 10: a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTER TO BE CONSIDERED: compliance, Litigation, Audits, Personnel, Reason to Believe Finding, Audit Referral Policy.

DATE AND TIME: Thursday, August 18, 1983, 10: a.m.

PLACE: 1325 K Street N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTER TO BE CONSIDERED:

Setting of dates for future meetings correction and approval of minutes

Eligibility report for candidates to receive Presidential Primary Matching Funds

Draft Advisory Opinion 1983-19: J. Eugene Marans, on behalf of AMAX, Inc.

Draft Advisory Opinion 1983-17: Nicolas R. Yursra, on behalf of Idaho Power Company

Draft Advisory Opinion 1983-20: J. Curtis Herge, on behalf of NCPAC

Proposed revision of 11 CFR 114.3 and 114.4 FOIA fee waiver appeal—Herbert E. Alexander/Citizens Research Foundation

Whether committee officials and/or candidates should be named as respondents in a MUR when proceeding against a committee

June management report for Fiscal Year 83/ third quarterly report Fiscal Year 1985 budget

Status report on regional conferences
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Routine administrative matters

PERSON TO CONTACT FOR MORE

INFORMATION: Mr. Fred Elland,

Information Officer, telephone 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S-1156-83 Filed 8-9-83; 2:58 pm]

BILLING CODE 6715-01-M

3

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m. August 17, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Tariff rates and provisions of Polish Ocean Lines operating as a Controlled Carrier subject to section 18(c) Shipping Act, 1916.

2. Protest of International Association of NVOCC's to Container Rates of North Atlantic Conferences.

Portions closed to the public:

1. Docket No. 81-64: Midland Pacific Shipping Company, Inc., Independent Ocean Freight Forwarder License No. 1299—Leyden Shipping Corp. Independent Ocean Freight Forwarder License No. 829—Person and Weidhorn, Inc. Independent Ocean Freight Forwarder License No. 112—Consideration of petition for reconsideration.

2. Docket No. 81-75: E. A. Juffali and Brothers V. Waterman Steamship Company—Consideration of the record.

CONTACT PERSON FOR MORE

INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1157-83 Filed 8-9-83; 3:05 pm]

BILLING CODE 6730-01-M

Reader Aids

Federal Register

Vol. 48, No. 156

Thursday, August 11, 1983

INFORMATION AND ASSISTANCE

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 8, 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
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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	
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DOT/UMTA			DOT/UMTA	

Note: On August 9, 1983, the Office of the Federal Register announced termination of the formal program of agency publication on assigned days of the week, effective August 22, 1983. See 48 FR 36197.

List of Public Laws

Last Listing August 10, 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).

- S.J. Res. 67 / Pub. L. 98-69** To designate the week of September 25, 1983, through October 1, 1983, as "National Respiratory Therapy Week". (Aug. 8, 1983; 97 Stat. 400) Price: \$1.50
- S. 143 / Pub. L. 98-70** To authorize the Twenty-nine Palms Band of Luiseno Mission Indians and the Confederated Salish and Kootenai Tribes of the Flathead Reservation to lease for ninety-nine years certain land held in trust. (Aug. 8, 1983; 97 Stat. 401) Price: \$1.50

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