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Federal Register

Tuesday
August 23, 1983

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Federal Trade Commission

Air Pollution Control
Environmental Protection Agency

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Federal Aviation Administration

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Federal Aviation Administration

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 932

Olives Grown in California; Interim Administrative Amendment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule.

SUMMARY: This interim final rule would amend the administrative rules and regulations with respect to: (1) Charges levied on overdue assessments; (2) modified grade requirements for canned green ripe olives; (3) size certification for outgoing canned ripe olives; and (4) grade and size requirements for 1983–84 crop year olives for limited use. The changes are designed to improve marketing order operations.

DATES: Interim rule effective August 23, 1983 through November 30, 1983; comments received by September 22, 1983 will be considered with regard to any subsequent rule.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

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

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

This interim amendment would be issued under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932, 47 FR 32905, 51092), regulating the handling of olives grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the California Olive Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

Section 932.39(c) provides that the Committee, with the approval of the Secretary, may levy interest and/or late payment charges for assessments not paid to the Committee by handlers within a prescribed period of time. Currently, § 932.139 requires that any assessments not received by the Committee within 30 days after billing are subject to a two percent late payment charge and an interest charge. The current interest charged is the commercial prime rate at the Committee's bank. The Committee has determined that these charges should be increased to discourage delinquencies in the payment of assessments. Thus, the interim final rule would: Increase the late payment charge from two percent to five percent of the unpaid balance; and increase the interest charge from the Committee's bank's current commercial prime rate to that rate plus two percent. The rule also would provide that the Committee, upon receipt of a late payment, promptly notify the handler (by registered mail) of any additional interest charges due. If such interest charges are not paid within 30 days of the invoice, the rule would provide for the same late payment and interest charges levied for delinquent assessments.

Section 932.52(a) provides that canned ripe olives, other than those of the "tree-ripened" type, shall grade at least U.S. Grade C as defined in the current U.S. Standards for canned ripe olives. Section 932.150 specifies that with respect to canned green ripe olives of the 1981–82 and 1982–83 crop years which are processed during the period September 1, 1981 through July 31, 1983, no requirements are applicable to such olives with respect to color and blemishes. The Committee recommended that this be continued indefinitely. Thus, the rule extends this exemption on a continuing basis.

Section 932.52(a)(3) provides that use of processed olives smaller than the sizes prescribed for whole and pitted styles may be established annually for limited use and the subparagraph further provides that such minimum sizes may also include a size tolerance as recommended by the Committee and approved by the Secretary. Thus, § 932.153 should be revised to provide for the establishment of minimum sizes contained in § 932.52(a)(3) for olives from the 1983–84 crop. These requirements are the same as have been established in 11 of the past 12 crop years.

In 1982, § 932.51(a)(2)(iii) was added to provide that the committee may recommend, subject to the approval of the Secretary, procedures for the certification of outgoing size designations, based upon an inspection for olive sizes before processing. Any such procedures are contingent upon the adoption of marketing order sizes in lieu of the size requirements in the U.S. Standards for Canned Ripe Olives. Thus, to make the option of size certification available to handlers, paragraphs (f) and (g) should be added to § 932.152. Paragraph (f) specifies the applicable marketing order sizes in terms of the average count ranges for seven size designations and for four varietal subgroupings. Paragraph (g) provides that any lot of canning size olives may be used in the production of packaged olives without an outgoing inspection for size designation if the such olives are certified as meeting the average count ranges and other requirements specified in that paragraph.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this interim rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that: (1) there is 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; (2) the handling of the 1983 crop of domestic olives is expected to begin soon, and it is intended that this action be applicable to all olives of such crop; (3) handlers

are aware of this action as proposed by the California Olive committee; and (4) some of the changes represent a relief of restrictions and no useful purpose is served by delaying the effective date.

List of Subjects in 7 CFR Part 932

Marketing agreement and orders, Olives, California.

PART 932 [AMENDED]

Therefore, Subpart—Rules and Regulations (7CFR 932.108–932.161) is amended as follows:

1. Section 932.139 is revised to read as follows:

§ 932.139 Late payment and interest charges.

(a) The committee shall impose a late payment charge on any handler whose assessment has not been received in the committee's office within 30 days of the invoice date shown on the handler's assessment statement. The late payment charge shall be five percent of the unpaid balance.

(b) In addition to that specified in paragraph (a), the committee shall impose and interest charge on any handler whose assessment payment has not been received in the committee's office within 30 days of the invoice date. The interest charge shall be the current commercial prime rate of the committee's bank plus two percent which shall be applied to the unpaid balance and late payment charge for the number of days all or any part of the assessment specified in the handler's assessment statement is delinquent beyond the 30 day payment period.

(c) The committee, upon receipt of a late payment equal to or greater than the assessment specified on the handler's assessment statement, shall promptly notify the handler (by registered mail) of any late payment charge and/or interest due as provided in paragraphs (a) and (b) of this section. If such charges are not paid within 30 days of the date on such notification, late payment and interest charges as provided in paragraphs (a) and (b) of this section will accrue on the unpaid amount.

2. Section 932.150 is revised to read as follows:

§ 932.150 Modified grade requirements for canned green ripe olives.

The grade requirements prescribed in § 932.52(a)(1) of this part are hereby modified with respect to canned green ripe olives so that no requirements shall be applicable with respect to color and blemishes of such olives.

3. Section 932.152 is amended by adding paragraphs (f) and (g), to read as follows:

§ 932.152 Outgoing regulations.

* * * * *

(f) *Size designations.* (1) In Lieu of the size designations specified in § 932.52(a)(2), except as provided in § 932.51(a) (1) and (2), canned whole ripe olives, other than those of the "tree-ripened" type, shall conform to the marketing order size designations listed in Table I contained herein, and shall be of a size not smaller than the applicable size requirements, tolerances and percentages listed in subparagraphs (a)(2) (i), (ii), (iii), and (iv) of § 932.52.

TABLE I.—CANNED WHOLE RIPE OLIVE SIZES; AVERAGE COUNT RANGES

[Per pound]

Size designation	Variety group 1		Variety group 2	
	Except Ascolano Barouni St. Agostino	Ascolano Barouni St. Agostino	Obliza	Except Obliza
Small	N.A.	N.A.	N.A.	128–140.
Medium	N.A.	N.A.	106–121	106–121.
Large	N.A.	N.A.	91–105	91–105.
Ex Large	65–75	65–88	65–88	65–88.
Jumbo	51–60	51–60	51–60	51–60.
Colossal	41–50	41–50	41–50	41–50.
Super Colossal	40 or less	40 or less	40 or less	40 or less.

N.A.—Not Applicable.

(2) The size of canned whole olives shall conform with the applicable count per pound range indicated in Table I of paragraph (1) of this paragraph. When the count per pound of whole olives falls between two count ranges, the size designation shall be that of the smaller size. The size for other styles of canned ripe olives shall be determined prior to pitting. The average count for canned whole ripe olives is determined from all containers in the sample and is calculated on the basis of the drained weight of the olives.

(g) *Size certification.* If a handler elects to have olives sized pursuant to § 932.51(a)(2), any lot of canning size olives may be used in the production of packaged olives for whole, pitted, or limited use styles without an outgoing inspection for size designation if such olives are within the average count range in Table II contained herein for that variety group, and meet such further mid-point or acceptable count requirements for the average count range in each size as approved by the committee.

TABLE II—AVERAGE COUNT RANGES

[Per pound]

Size designation	Variety group 1		Variety group 2	
	Except Ascolano Barouni St. Agostino	Ascolano Barouni St. Agostino	Obliza	Except Obliza
Small	N.A.	N.A.	N.A.	128–140.
Medium	N.A.	N.A.	106–121	106–121.
Large	N.A.	N.A.	89–105	89–105.
Ex Large	65–75	65–88	65–88	65–88.
Jumbo	51–60	51–60	51–60	51–60.
Colossal	41–50	41–50	41–50	41–50.
Super Colossal	40 or less	40 or less	40 or less	40 or less.

N.A.—Not Applicable.

4. Section 932.153 is revised to read as follows:

§ 932.153 Establishment of minimum grade and size requirements for 1983–84 crop olives used in limited use styles.

(a) *Grade.* On and after August 1, 1983, any handler may use processed olives of the respective variety groups in the production of limited use styles of canned ripe olives if such olives were processed after July 31, 1983, and meet the grade requirements specified in § 932.52(a)(1) as modified by § 932.149.

(b) *Sizes.* Except as provided in § 932.51(a)(2)(i), on and after August 1, 1983, any handler may use processed olives in the production of limited use styles of canned ripe olives if such olives were harvested during the period August 1, 1983, through July 31, 1984 and meet the following requirements:

(1) The processed olives shall be identified and kept separate and apart from any olives harvested before August 1, 1983, or after July 31, 1984;

(2) Variety Group 1 olives, except the Ascolano, Barouni, or St. Agostino varieties, shall be of a size which individually weigh 1/90 pound: *Provided,* That not to exceed 25 percent

of the olives in any lot or sublot may be smaller than 1/90 pound;

(3) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties shall be of a size which individually weigh 1/140 pound: *Provided,* That not to exceed 25 percent of the olives in any lot or sublot may be smaller than 1/140 pound;

(4) Variety Group 2 olives, except the Obliza variety, shall be of a size which individually weigh 1/180 pound: *Provided,* That not to exceed 10 percent of the olives in any lot or sublot may be smaller than 1/180 pound;

(5) Variety Group 2 olives of the Obliza variety shall be of a size which individually weigh 1/140 pound: *Provided,* That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/140 pound.

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

Dated: August 18, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-23162 Filed 8-23-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 947

[Amendment No. 2 to Handling Regulation]

Irish Potatoes Grown in Modoc and Siskiyou Counties in California and in All Counties in Oregon Except Malheur County

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment to handling regulation § 947.340 (48 FR 47757) increases the minimum size requirements for fresh market potatoes grown in Modoc and Siskiyou counties in California and all counties in Oregon except Malheur County. The change will promote orderly marketing by making Oregon-California production area size requirements more similar to those of potato marketing orders in two adjoining States.

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250, (202) 447–5764.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Information collection requirements contained in this regulation (7 CFR Part 947) have been approved by the Office of Management and Budget under the provision of 44 U.S.C. Chapter 35 and have been assigned OMB #0581–0112.

This amendment to the rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" 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. It is designed to promote orderly marketing of the Oregon-California potato crop for the benefit of producers and consumers, and will not substantially affect costs for the directly regulated handlers.

Marketing Agreement No. 114 and Order No. 947, both as amended, regulate the handling of potatoes grown in designated counties of Oregon and California. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Oregon-California Potato Committee, established under the order is responsible for its local Administration.

Because requirements under this program have changed infrequently, in June 1981 the committee recommended, and the Secretary approved, a regulation which continues in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary.

At its public meeting in Eugene, Oregon, on June 14, 1983, the committee recommended that the regulation be amended this season.

The committee recommended that the minimum size requirements for all varieties of fresh market potatoes grown in districts No. 1 through 4 be increased from 1⅞ inches in diameter to 2 inches in diameter or 4 ounces minimum weight. This change makes size requirements for Districts No. 1 through 4 the same as District No. 5. It also makes the size requirements of the production area more similar to those of potato orders in Washington and Idaho.

The committee reported that potatoes packed in five and ten pound consumer size packages are much smaller this season than previously, giving the consumer a lower quality product. The committee believes that the change will eliminate the smaller potatoes from these consumer packs and increase demand for the packs. Additionally, the committee believes that demand is so weak for the smaller potatoes that they may adversely affect prices for all potatoes.

The committee also recommended that potatoes packed in 50-pound cartons be U.S. No. 1 grade or better, with no exception for hollow heart and/or internal discoloration. At its June meeting, the committee believed that this upgrading of the industry's premium pack would be in the best interest of the industry by enhancing its quality image. Upon an evaluation of this year's potato crop, however, it was found that the incidence of hollow heart and internal discoloration is greater than was anticipated in June. Therefore, the committee voted to retain the current standard which allows an exception for these internal defects, so that the industry can ship a greater portion of its crop in 50-pound cartons.

This amended regulation will benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area, thereby promoting orderly marketing, and will tend to effectuate the declared policy of the act.

The amendment will be effective for an indefinite period. The committee will continue to meet prior to or during each season to consider recommendation for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee will submit to the Secretary a marketing policy for the season in accordance with § 947.50 of the order, including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings or may file comments with the Fruit and Vegetable Division before June 1 each year. The Department will evaluate committee recommendations and information submitted by the committee, comments filed, and other available information, and determine whether modification, suspension or termination of the regulations on shipments of Oregon-California potatoes would tend to effectuate the declared policy of the act.

Findings

After considering all relevant matters, including the proposal in the notice, it is found that the following amendment will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this regulation until 30 days after its publication in the **Federal Register** (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area have begun, (2) to maximize benefits to producers, this regulation should apply

to as many shipments as possible during the marketing season, (3) notice was given in the July 13, 1983, **Federal Register** (48 FR 32027, July 13, 1983) allowing interested persons until July 28, 1983, in which to file comments and none was filed, and (4) compliance with this regulation, which is similar to regulations issued during previous seasons, requires no special preparation by handlers subject to it which cannot be completed by the effective date.

List of Subjects in 7 CFR Part 947

Marketing agreements and orders, Potatoes, Oregon, California.

PART 947—[AMENDED]

Section 947.340 *Handling regulation* (46 FR 47757, September 30, 1981) is hereby amended by revising paragraph (b)(2) and by removing paragraph (b)(3) to read as follows:

§ 947.340 Handling regulation.

* * * * *

(b) *Minimum size requirements.*

(1) * * *

(2) For All Districts: All varieties—2 inches minimum diameter or 4 ounces minimum weight.

* * * * *

(Approved by the Office of Management and Budget under Control No. 0581–0112)

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

Dated: August 18, 1983, to become effective August 23, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-23161 Filed 8-22-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1106

Milk in the Southwest Plains Marketing Area; Order Suspending Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends certain shipping standards for pooling supply plants under the Southwest Plains milk order for August 1983. This action continues a suspension that has been in effect since March 1983 that has allowed supply plants previously associated with the market to maintain pool plant status without making shipments to distributing plants.

The suspension was requested by the operator of a pool supply plant. The plant operator contends that the market's supply-demand imbalance that necessitated the suspension during March through July will continue through August. Anticipated production declines have not materialized and proponent has been advised that bulk milk from its supply plant will not be needed to furnish the fluid milk needs of distributing plants during August. Without the suspension, unneeded and uneconomic shipments of supply plant milk would likely be made solely for the purpose of pooling milk of dairy farmers who have historically furnished the fluid milk needs of the market.

EFFECTIVE DATE: August 23, 1983.

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

SUPPLEMENTARY INFORMATION: Prior document in the proceeding:

Proposed Suspension: Issued July 20, 1983; published July 26, 1983 (48 FR 33905).

This 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 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 on the timely basis necessary to make the suspension effective for the month of August 1983. The initial request for this action was received on July 13, 1983. A notice of proposed suspension was issued on July 20, 1983, inviting interested parties to comment on the proposed action by August 2, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action would not have a significant economic impact on a substantial number of small entities. Such action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Southwest Plains marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (48 FR 33905, July 26, 1983) concerning a proposed suspension of certain provisions of the order. Interested parties were afforded an opportunity to file written data, views, and arguments thereon. No comments opposing the suspension were received.

After consideration of all relevant information, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of August 1983 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1106.6, the language "during the month".

2. In § 1106.7(b)(1), the language "until any month of such period in which less than 20 percent of the milk received or diverted as previously specified, is shipped to plants described in paragraph (a) of this section. A plant not meeting such 20 percent requirement in any month of such February-August period shall be qualified in any remaining month of such period only if transfers and diversions pursuant to paragraph (b)(2) of this section to plants described in paragraph (a) of this section are not less than 50 percent of receipts or diversions, as previously specified" and the language "until any month of such period in which the plant fails to meet the 20-percent shipping requirement".

Statement of Consideration

This suspension allows supply plants that previously were associated with the market to maintain pool status without making the minimum shipments to distributing plants required by the order for the month of August 1983. The order defines a supply plant as a plant from which shipments are made to distributing plants during the month. Also, the order provides that supply plants that were pooled during each of the previous months of September through January under the Southwest Plains order, or during the months of September through December 1982 under any of the four orders that were merged to form the Southwest Plains order, will be pooled during the months of February through August if not less than 20 percent of monthly receipts are shipped to pool distributing plants. During March through July 1983, a suspension of the supply plant shipping standards eliminated the need for supply plant operators to ship milk to

distributing plants to maintain pool plant status. This action continues the suspension through August 1983.

This action was requested by a handler who operates a pool supply plant. This handler also requested the suspension in effect during March-July. The handler's plant was pooled during each of the months of September 1982 through January 1983 under the Southwest Plains order or its predecessor orders, and has remained pooled since March 1983 based on its previous association with the market. The plant operator contends that the one month extension of the suspension is necessary because production continues to exceed the demand for milk in fluid use.

This market continues to experience a supply-demand imbalance as anticipated declines in production have not materialized. All available information indicates that if the suspension is not continued, unneeded and uneconomic shipments of milk would have to be made solely for the purpose of pooling the milk of dairy farmers who historically have supplied the fluid milk needs of the market.

Interested parties were given the opportunity to submit written data, views, or arguments concerning the suspension. A cooperative association that represents producers who supply the market supported the proposed action to facilitate the efficient disposition of an increasing supply of milk in excess of fluid milk needs. No views in opposition to the suspension were received.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that without the suspension unneeded and uneconomic shipments of milk from supply plants would likely be made solely for the purpose of pooling the milk of dairy farmers who have historically supplied the fluid milk needs of the market.

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register.**

List of Subjects in 7 CFR Part 1106

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of August 1983.

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

Effective date: August 23, 1983.

Signed at Washington, D.C. on: August 16, 1983.

John Ford,

Marketing and Inspection Services.

[FR Doc. 83-23168 Filed 8-22-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1139

[Milk Order No. 139]

Milk in the Lake Mead Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action continues through December 1983 the suspension of certain provisions of the Lake Mead Federal milk order. The suspension removes the limit on the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool plants and still be priced and pooled under the order. Also suspended is the requirement that 20 percent of a dairy farmer's monthly milk production be received at a pool plant in order for the remaining production to be eligible to be moved directly from the farm to nonpool manufacturing plants and still be priced and pooled under the order. The suspension was requested by Lake Mead Cooperative Association to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for its dairy farmer members who regularly have been associated with the market. An amendatory hearing has been scheduled to consider proposals to lower the pooling standards required under the order.

EFFECTIVE DATE: September 23, 1983.

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: Prior document in this proceeding:

Notice of Proposed Suspension: Issued July 20, 1983; published July 26, 1983 (48 FR 33906).

This 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 issuance of the suspension in time to include August 1983 in the suspension period. The initial request for this action was received July 5, 1983. A notice of proposed suspension was issued on July 20, 1983, inviting interested parties to comment on the proposed action by August 2, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action would not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and would tend to insure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Lake Mead marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (48 FR 339061 July 26, 1983) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. No comments were received in opposition to the proposed suspension.

After considering all relevant material, including the proposal in the notice and other available information, it is hereby found and determined that for the months of August 1983 through December 1983 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1139.13(d)(2), the language "from whom at least 20 percent of his milk production is received during the month at a pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the producer milk which the association

causes to be delivered to pool plants during the month."

2. In § 1139.13(d)(3), the language "from whom at least 20 percent of his milk production is received during the month at a pool plant. The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the milk received at such pool plant from producers and for which the operator of such plant is the handler during the month."

Statement of Consideration

This action makes inoperative, for August through December 1983, the requirement that at least 20 percent of a dairy farmer's monthly milk production be received at a pool plant for the remaining production to be priced and pooled under the order. In addition, this action continues a suspension that has been in effect since April 1982 (47 FR 17036, 47 FR 38496, 47 FR 55201, 47 FR 16028) which removes the limit on the amount of producer milk that a cooperative association or other handler may divert to nonpool plants. The order now provides that cooperatives and pool plant operators may divert to nonpool plants up to 20 percent of the producer milk which they cause to be received at pool plants during the months of August through February.

The action was requested by the Lake Mead Cooperative Association, which supplies a substantial part of the market's fluid milk needs and handles most of the market's reserve supplies. The cooperative association requested the suspension to provide for greater efficiencies in handling the market's reserve milk supply.

The need to handle an increasing quantity of reserve milk supplies is a result of a continuing imbalance between the market's fluid milk requirements and the milk supplies available from producers. Milk production continues to be heavy without a corresponding increase in sales to fluid milk outlets. As a result of these marketing conditions, the order limits on the quantity of milk that may be moved directly from farms to nonpool plants and still be priced under the order have been suspended since April 1982. Unless the suspension is continued, some of the milk of producers who regularly have 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.

A suspension of the order requirement that 20 percent of a dairy farmer's monthly milk production must be received at a pool plant in order for the remaining quantity to be eligible for diversion to nonpool plants has been in effect since May 1983. Unless such suspension is continued, substantial quantities of milk of individual producers who are located farthest from the market must be shipped to pool plants solely for diversion qualification purposes. The shipment of distantly located milk supplies to pool plants displaces the milk of other producers who are located nearer to the distributing plants. Such milk must then be shipped to distant outlets for surplus disposal. Thus, without the continued suspension of the provisions indicated, handlers would incur unnecessary hauling costs because of the need to qualify the milk of producers to be eligible for diversion to nonpool plants. Suspension of these requirements will eliminate the need to make costly and inefficient movements of producer milk solely for the purpose of pooling the milk of dairy farmers who have been associated regularly with the market.

The cooperative requested the suspension until a more permanent regulatory solution to the supply-demand imbalance in the market could be formulated based on the record of a public hearing. A public hearing has been scheduled to consider proposals to amend the order that would accommodate current marketing conditions.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that the most efficient method of handling milk not needed for the fluid market is by direct movements from producer's farms to manufacturing outlets. This suspension allows for such economical movements of milk while the dairy farmers involved retain producer status;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

List of Subject in 7 CFR Part 1139

Milk marketing orders, Milk, Dairy products.

PART 1139—[AMENDED]

It is therefore ordered, That the aforesaid provisions in § 1139.13 of the Lake Mead order are hereby suspended for August through December 1983

Effective Date: August 23, 1983

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

Signed at Washington, D.C., on August 16, 1983.

John Ford,

Deputy Assistant Secretary Marketing and Inspection Services.

[FR Doc. 83-23184 Filed 8-22-83; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 54

[Docket No. 83-082]

Animals Destroyed Because of Scrapie; Indemnity Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interm rule.

SUMMARY: This document affirms the interim rule which amended the regulations authorizing the payment of indemnities for sheep and goats destroyed because of scrapie by providing for indemnity only for animals diagnosed as having scrapie and for certain animals related by blood to animals diagnosed as having scrapie. This action was necessary to allow for indemnity only for animals that present a substantial risk of being infected with scrapie in order to utilize scrapie indemnity funds more effectively.

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Jack R. Pitcher, Special Diseases Staff, Veterinary Services, APHIS, USDA, Room 824, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8231.

SUPPLEMENTARY INFORMATION:

Background

The "Animals Destroyed Because of Scrapie" regulations in 9 CFR Part 54 (referred to below as the regulations) authorize the payment of indemnity for sheep and goats destroyed because of scrapie, a fatal disease affecting the nervous system of sheep and goats.

A document published in the **Federal Register** on April 15, 1983 (48 FR 16235–16236), set forth an interim rule amending the regulations to restructure the scrapie indemnity program to provide for indemnity only for animals

diagnosed as having scrapie and for certain animals related by blood to animals diagnosed as having scrapie.

Comments were solicited for 60 days after publication of the amendment. Three comments were received, all of which favored the interim rule. The comments were received from a sheep rancher, a national organization of wool growers, and a national agricultural association.

The factual situation which was set forth in the document of April 15, 1983 still provides a basis for the amendment.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512-1, and has been determined to be not a "major rule." The Department has determined that this action will not have a significant annual effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291.

This action affirms an interim rule which authorizes the payment of indemnities for sheep and goats destroyed because of scrapie to provide for indemnity only for animals diagnosed as having scrapie and for certain animals related by blood to animals diagnosed as having scrapie.

The number of sheep and goats for which indemnity has been paid annually is insignificant compared to the total number of sheep and goats raised in the United States, and it is anticipated that this situation will not change. Further, the number of small entities to which indemnity for sheep or goats has been paid annually is insignificant compared to the total number of small entities involved in the raising of sheep and goats in the United States, and it is anticipated that this situation will not change.

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

List of Subjects in 9 CFR Part 54

Animal diseases, Goats, Indemnity payments, Sheep, Scrapie.

Accordingly, it has been determined that the amendment to 9 CFR Part 54 should remain effective as published in the **Federal Register** on April 15, 1983 (48 FR 16235).

(Sec. 2, 32 Stat. 792, as amended; sec. 3, 23 Stat. 32, as amended; sec. 11, 56 Stat. 734, as amended; 21 U.S.C. 111, 114, 114a, 7 CFR 2.17, 2.51, 371.2(d))

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

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-23009 Filed 8-22-83; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 595

[Docket No. ERA-83-FC-019]

Status of ERA Program Certifying Eligible Uses of Natural Gas To Displace Fuel Oil

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Status of ERA Certification Program Under 10 CFR Part 595.

SUMMARY: On July 20, 1983, the Federal Energy Regulatory Commission (Commission) issued two final rules, Order No. 319 and Order No. 234-B, amending its blanket certificate program for interstate pipelines at 18 CFR Part 157, Subpart F, to authorize, among other things, transportation under the blanket certificate for any end-user, including those who use gas for boiler fuel, until July 1, 1985. Those rules became effective on August 5, 1983. The effective date of those rules set into motion the termination of the Commission's current Order No. 30 program at 18 CFR Part 284, Subpart F, which authorizes the transportation of natural gas directly purchased by end-users to displace fuel oil. These Order No. 30 regulations require, as a pre-condition to interstate transportation of the fuel oil displacement gas, that the Economic Regulatory Administration of the Department of Energy (ERA) issue a certification of eligible use pursuant to regulations in 10 CFR Part 595.

The Order No. 30 program terminates by its own terms ninety days after the effective date of the Commission's recent Phase II final rules for the blanket certificate program, which is November 4, 1983. Since ERA certification of eligible use is not required under the Commission's blanket certificate program, there will no longer be any need for end-users to file applications with ERA pursuant to 10 CFR Part 595 after November 4, 1983. However, ERA will continue to accept applications under 10 CFR Part 595 only unitl September 30, 1983 since applications received after that date would not have sufficient time to assure processing before the November 4 deadline.

This notice informs current certificated end-users and potential and pending applicants of the effect of the recent Commission rulemakings on their certificates and applications for certification during the ninety day period between August 5, 1983 and November 4, 1983 in which the Order No. 30 program is still technically in effect.

FOR FURTHER INFORMATION CONTACT:

Richard A. Ransom, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-093-F, RG-622, 1000 Independence Avenue SW., Washington, D.C. 20585 (202) 252-8678.

Michael T. Skinker, Office of the General Counsel, Department of Energy 1000 Independence Avenue SW., Forrestal Building, Room 6E-042, GC-15, Washington, D.C. 20585 (202) 252-6667.

SUPPLEMENTARY INFORMATION: On July 20, 1983, the Commission issued its Phase II "blanket certificate" final rules amending 18 CFR Part 157, Subpart F, Order No. 319 in Docket No. RM 81-29-000, 48 FR 34875 (August 1, 1983) and Order No. 234-B in docket Nos. Rm 81-19-000 and RM 81-29-000, 48 FR 34872 (August 1, 1983), which took effect on August 5, 1983. Order No. 319, among other things, expanded the category of activites authorized under a blanket certificate to include the transportation of natural gas for high priority end-users, for other categories that may be designated by the Commission, and for the system supply of another pipeline or local distribution company. Order No. 234-B designated all end-users, including those that were eligible under the Commission's current Order No. 30 program (18 CFR Part 284, Subpart F), to be eligible for the purpose of authorizing transportation service under the blanket certificate program for an experimental two-year period through June 30, 1985.

In recognition of the needs of parties for prompt action, the recent Commission orders authorize transactions under the blanket

certificate program on a self-implementing basis for a term of up to 120 days. If the parties contemplate a sale of longer than 120 days duration, the transaction could commence on a self-implementing basis and, within the 120 day period, the pipeline could complete the notice and protest procedure of 18 CFR 157.205, which has an inherent 45 day delay, and obtain the long-term authorization.

The Order No. 30 program facilitated the authorization of the transportation of gas purchased directly by end-users to displace the use of fuel oil and not coal, but required as a pre-condition to that authorization that the end-user obtain a certificate of eligible use from ERA pursuant to 10 CFR Part 595. ERA certification, however, is not required by the blanket certificate program. The Order No 30 program terminates by its own terms [18 CFR 284.201(e)] on November 4, 1983, ninety days following the effective date of Order No. 319. This ninety day period was provided so that there would not be a gap in the authorization of Order 30 transactions. Therefore, the Order 30 program and the blanket certificate program will run concurrently until the Order 30 program expires on November 4, 1983. During this 90-day overlap period, end-users wishing to purchase gas to displace fuel oil consumption under the Order 30 program are encouraged to contact their pipelines on the prospect of utilizing the blanket certificate program, before applying the ERA for certification of eligible use.

All end-users who hold certification, recertifications, or amended certifications of eligible use issued by ERA pursuant to 10 CFR Part 595 are hereby advised that those documents expire by their own terms on November 4, 1983, due to the issuance of the Commission's Phase II blanket certificate orders. An end-user may continue to utilize the Order No. 30 procedures until November 4, for authorization of the transportation of fuel oil displacement gas, even though that end-user can obtain the same authorization through its pipeline's utilization of the blanket certificate program without the inherent notice and comment procedures required before issuance of an ERA certificate of eligible use. However, ERA will continue to accept applications under 10 CFR Part 595 only unitl September 30, 1983, since applications received after that date would not have sufficient time to assure processing before the November 4 deadline. All pending applications will continue to be processed, unless the end-user requests that ERA do otherwise.

Since pipelines can not transport fuel oil displacement gas under the authorization of the Order No 30 program after November 4, 1983 end-users utilizing ERA certificates of eligible use for that purpose should contact their pipelines to determine what arrangements are necessary to continue receiving gas supplies after November 4.

All participants of the Order No. 30 program, including eligible users and interstate and intrastate pipelines, are advised that they must comply with the monthly reporting requirements in 10 CFR 595.07 until November 4, 1983 and the reports required upon termination of their authorization in 18 CFR 284.207, as applicable.

Issued in Washington, D.C. on August 17, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-23036 Filed 8-22-83; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

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. This document was originally published on August 11, 1983 (48 FR 36445), but the attachments were inadvertently omitted. The document is therefore being republished in its entirety.

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.

Adoption of the 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 G.m.t.:

(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 4, 1983.

Kenneth S. Hunt,

Director of Flight Operations.

BILLING CODE 4910-13-M

REVISIONS TO IFR ALTITUDES & CHANGE OVER POINTS

AMENDMENT 312 EFFECTIVE DATE, AUGUST 4, 1983

FROM	TO	MEA

§95.1001 DIRECT ROUTES-U.S.

IS ADDED TO READ

ANDLE, CT FIX	BLUME, CT FIX	2600
APPIN, LA FIX	LAKE CHARLES, LA VORTAC	*8000
*1500 - MOCA		
COVEX, LA FIX	APPIN, LA FIX	*8000
*1800 - MOCA		
DAISETTA, TX VORTAC	COCOS, LA FIX	*8000
*1700 - MOCA		
TRUMBULL, CT VOR	LYMEE, CT FIX	*2000
*1500 - MOCA		MAA-17500
TRUMBULL, CT VOR	FLIBB, CT FIX	*2000
*1500 - MOCA		MAA-17500

IS AMENDED TO READ IN PART

CARMEL, NY VORTAC	ANDLE, CT FIX	2600
GALVESTON, TX NDB	GRAND ISLE, LA NDB	
VIA GULF ROUTE 26	COP 121 GLS	*5000
*1600 - MOCA		
MONROE, LA VORTAC	PINE BLUFF, AR VORTAC	2500
SILVER CITY, NM VORTAC	ALBUQUERQUE, NM VORTAC	
	COP 50 SWC	14500

BAHAMA ROUTES

1 UHA

STAGE-2, BF FIX	GRAND BAHAMA, BF NDB	2000
GRAND BAHAMA, BF NDB	DEERS, BF FIX	2000

30UHA IS AMENDED TO DELETE

DEERS, BF FIX	FREEPORT, BF NDB	*2000
*1400 - MOCA		

§95.6002 VOR FEDERAL AIRWAY 2

IS AMENDED TO READ IN PART

MAGEN, NY FIX	*KONDO, NY FIX	**2400
*3000 - MRA		
**1900 - MOCA		
SYRACUSE, NY VORTAC	STODA, NY FIX	2400
STODA, NY FIX	VASTS, NY FIX	3000
VASTS, NY FIX	UTICA, NY VORTAC	2200
ALBANY, NY VORTAC	*MELRO, NY FIX	**3500
*4600 - MCA MELRO FIX, E BND		
**3000 - MOCA		
GRISY, MA FIX	GARDNER, MA VORTAC	4000
GARDNER, MA VORTAC	TYNGS, MA FIX	*3500
*2500 - MOCA		

§95.6003 VOR FEDERAL AIRWAY 3

IS AMENDED TO READ IN PART

NUTTS, VA FIX	FLAT ROCK, VA VORTAC	2500
SHAWNEE, VA VORTAC	MARTINSBURG, WV VORTAC	3000
MODENA, PA VORTAC	MARRS, NJ FIX	2500
CARMEL, NY VORTAC	RACEY, CT FIX	2000
RACEY, CT FIX	HARTFORD, CT VORTAC	2700
HARTFORD, CT VORTAC	EAGRE, CT FIX	*3000
*2300 - MOCA		
LAYER, MA FIX	KITTY, MA FIX	*4500
*2300 - MOCA		
KITTY, MA FIX	BOSOX, MA FIX	*3000
*2300 - MOCA		
BOSOX, MA FIX	BOSTON, MA VORTAC	2300
AUGUSTA, ME VORTAC	BANGOR, ME VORTAC	3000

IS AMENDED TO DELETE

LONGS, CT FIX	RACEY, CT FIX	2500

§95.6004 VOR FEDERAL AIRWAY 4

IS AMENDED TO READ IN PART

ITALY, WV FIX	FILES, WV FIX	*4000
*3200 - MOCA		
FILES, WV FIX	ELKINS, WV VORTAC	*5000
*3800 - MOCA		
SHAWNEE, VA VORTAC	ARMEL, VA VORTAC	*5000
*4000 - MOCA		

§95.6006 VOR FEDERAL AIRWAY 6

IS AMENDED TO READ IN PART

AMERCY, PA FIX	CLARION, PA VORTAC	*3600
*2100 - MOCA		
SELINSGROVE, PA VORTAC	ALLENTOWN, PA VORTAC	*4000
*3300 - MOCA		

§95.6012 VOR FEDERAL AIRWAY 12

IS AMENDED TO READ IN PART

ALLEGHENY, PA VORTAC	MILWO, PA FIX	*4000
*2900 - MOCA		

IS AMENDED TO DELETE

ZUNI, NM VORTAC	*ACOMA, NM FIX	
VIA S ALTER.	VIA S ALTER.	**11500
*11500 - MCA ACOMA FIX, SW BND		
**10800 - MOCA		
ACOMA, NM FIX	ALBUQUERQUE, NM VORTAC	
VIA S ALTER.	VIA S ALTER.	*9500
*8400 - MOCA		
ALBUQUERQUE, NM VORTAC	ANTON CHICO, NM VORTAC	
VIA S ALTER.	VIA S ALTER.	10000

§95.6014 VOR FEDERAL AIRWAY 14

IS AMENDED TO READ IN PART

DUNKIRK, NY VORTAC	BUFFALO, NY VORTAC	*2800
*2100 - MOCA		
BEEPS, NY FIX	SCIPO, NY FIX	*4000
*3400 - MOCA		
SCIPO, NY FIX	VESPE, NY FIX	4000
SHERB, NY FIX	BROOD, NY FIX	4000
ALBANY, NY VORTAC	*MELRO, NY FIX	**3500
*4600 - MCA MELRO FIX, E BND		
**3000 - MOCA		
GRISY, MA FIX	GARDNER, MA VORTAC	4000
GARDNER, MA VORTAC	SPENO, MA FIX	*3000
*2400 - MOCA		

§95.6016 VOR FEDERAL AIRWAY 16

IS AMENDED TO READ IN PART

GOOZE, VA FIX	LYNCHBURG, VA VORTAC	
	W BND	*5000
	E BND	*3000
*2900 - MOCA		
TAPPA, VA FIX	COLIN, VA FIX	*2000
*1500 - MOCA		
COLIN, VA FIX	PATUXENT, MD VORTAC	*2000
*1300 - MOCA		
PATUXENT, MD VORTAC	KENTON, DE VORTAC	*2000
*1500 - MOCA		
CEDAR LAKE, NJ VORTAC	COYLE, NJ VORTAC	*1900
*1300 - MOCA		
CASWI, NJ FIX	KENNEDY, NY VORTAC	1900
KENNEDY, NY VORTAC	DEER PARK, NY VORTAC	1800
CALVERTON, NY VORTAC	SALEM, CT FIX	*2000
*1500 - MOCA		
NORWICH, CT VORTAC	WOONS, RI FIX	*2500
*2000 - MOCA		
WOONS, RI FIX	WILKI, MA FIX	*3000
*1800 - MOCA		
WILKI, MA FIX	BOSTON, MA VORTAC	*2000
*1600 - MOCA		

§95.6019 VOR FEDERAL AIRWAY 19

IS AMENDED TO READ IN PART

LEWISTOWN, MT VORTAC	SHONK, MT FIX	7200
SHONK, MT FIX	HAVRE, MT VOR	6000

IS AMENDED TO DELETE

SOCORRO, NM VORTAC	ALBUQUERQUE, NM VORTAC	
VIA E ALTER.	VIA E ALTER.	8000
SOCORRO, NM VORTAC	ALBUQUERQUE, NM VORTAC	
VIA W ALTER.	VIA W ALTER.	8000
LEWISTOWN, MT VORTAC	GREAT FALLS, MT VORTAC	
VIA W ALTER.	VIA W ALTER.	*11000
*10300 - MOCA		

§95.6020 VOR FEDERAL AIRWAY 20

IS AMENDED TO READ IN PART

SOUTH BOSTON, VA VORTAC	MELIA, VA FIX	*3000
*1900 - MOCA		
MELIA, VA FIX	RICHMOND, VA VORTAC	*2000
*1300 - MOCA		
TAPPA, VA FIX	COLIN, VA FIX	*2000
*1500 - MOCA		

§95.6029 VOR FEDERAL AIRWAY 29

IS AMENDED TO READ IN PART

SNOW HILL, MD VORTAC	SALISBURY, MD VORTAC	*2000
*1500 - MOCA		
POTTSTOWN, PA VORTAC	*HIKES, PA FIX	**2900
*4000 - MRA		
**2400 - MOCA		
HIKES, PA FIX	EAST TEXAS, PA VORTAC	2900
WILKES-BARRE, PA VORTAC	SCOFF, PA FIX	4000

§95.6033 VOR FEDERAL AIRWAY 33

IS AMENDED TO READ IN PART

GRETA, PA FIX	AUDRY, PA FIX	4000

§95.6034 VOR FEDERAL AIRWAY 34

IS AMENDED TO READ IN PART

ROCHESTER, NY VORTAC	FAULT, NY FIX	*2700
*2100 - MOCA		

§95.6039 VOR FEDERAL AIRWAY 39

IS AMENDED TO READ IN PART

SHAWNEE, VA VORTAC	MARTINSBURG, WV VORTAC	3000

§95.6044 VOR FEDERAL AIRWAY 44

IS AMENDED TO READ IN PART

RANDE, WV FIX	MORGANTOWN, WV VORTAC	4000

§95.6054 VOR FEDERAL AIRWAY 54

IS AMENDED TO READ IN PART

PIKES, AR FIX	MARKI, AR FIX	
VIA N ALTER.	VIA N ALTER.	*3500
*1900 - MOCA		
MARKI, AR FIX	HOT SPRINGS, AR VOR	
VIA N ALTER.	VIA N ALTER.	*3500
*2500 - MOCA		

FROM	TO	MEA
§95.6058 VOR FEDERAL AIRWAY 58 IS AMENDED TO READ IN PART		
ELLAN, NY FIX *3000 - MOCA	KINGSTON, NY VORTAC	*4000
§95.6072 VOR FEDERAL AIRWAY 72 IS AMENDED TO DELETE		
MOREL, VT FIX *3000 - MOCA	RAYSE, VT FIX	*3600
RAYSE, VT FIX *4400 - MOCA	MONTPELIER, VT VOR/DME	*5000
LEBANON, NH VOR/DME	MOREL, VT FIX	3600
§95.6083 VOR FEDERAL AIRWAY 83 IS AMENDED TO DELETE		
OTTO, NM VOR VIA E ALTER.	SANTA FE, NM VORTAC VIA E ALTER.	10000
§95.6090 VOR FEDERAL AIRWAY 90 IS AMENDED TO DELETE		
LITCHFIELD, MI VORTAC	U.S. CANADIAN BORDER	3000
§95.6099 VOR FEDERAL AIRWAY 99 IS AMENDED TO READ IN PART		
HARTFORD, CT VORTAC *2300 - MOCA	EAGRE, CT FIX	*3000
§95.6104 VOR FEDERAL AIRWAY 104 IS AMENDED TO READ IN PART		
*BURLINGTON, VT VORTAC *4100 - MCA BURLINGTON VORTAC, SE BND	MONTPELIER, VT VOR/DME	6000
MONTPELIER, VT VOR/DME *4800 - MOCA	AYZOO, NH FIX	*5400
AYZOO, NH FIX *5600 - MOCA	BERLIN, NH VOR/DME	*7000
§95.6116 VOR FEDERAL AIRWAY 116 IS AMENDED TO READ IN PART		
JACKSON, MI VORTAC	SALEM, MI VORTAC	3000
§95.6120 VOR FEDERAL AIRWAY 120 IS AMENDED TO DELETE		
GREAT FALLS, MT VORTAC VIA W ALTER.	SHONK, MT FIX VIA N ALTER.	8000
SHONK, MT FIX VIA W ALTER.	LEWISTOWN, MT VORTAC VIA N ALTER.	8800

FROM	TO	MEA
§95.6124 VOR FEDERAL AIRWAY 124 IS AMENDED TO READ IN PART		
GLENA, AR FIX *2500 - MOCA	HOT SPRINGS, AR VOR	*5000
§95.6130 VOR FEDERAL AIRWAY 130 IS AMENDED TO READ IN PART		
ALBANY, NY VORTAC *6000 - MRA *6000 - MCA CANAN FIX, NW BND **3200 - MOCA	*CANAN, NY FIX	**6000
NORWICH, CT VORTAC *1600 - MOCA	WACKY, RI FIX	*2300
§95.6141 VOR FEDERAL AIRWAY 141 IS AMENDED TO READ IN PART		
GREEK, VT FIX	*BURLINGTON, VT VORTAC *4100 - MCA BURLINGTON VORTAC, SE BND	6000
§95.6143 VOR FEDERAL AIRWAY 143 IS AMENDED TO READ IN PART		
SHAWNEE, VA VORTAC	MARTINSBURG, WV VORTAC	3000
§95.6147 VOR FEDERAL AIRWAY 147 IS AMENDED TO READ IN PART		
POTTSTOWN, PA VORTAC *4000 - MRA **2400 - MOCA	*HIKES, PA FIX	**2900
HIKES, PA FIX	EAST TEXAS, PA VORTAC	2900
§95.6151 VOR FEDERAL AIRWAY 151 IS AMENDED TO READ IN PART		
LEBANON, NH VOR/DME *3900 - MOCA	MONTPELIER, VT VOR/DME	*4400
MONTPELIER, VT VOR/DME *4100 - MCA BURLINGTON VORTAC, SE BND	*BURLINGTON, VT VORTAC	6000
§95.6153 VOR FEDERAL AIRWAY 153 IS AMENDED TO READ IN PART		

FROM	TO	MEA
§95.6153 VOR FEDERAL AIRWAY 153—Continued		
SPOND, PA FIX LAKE HENRY, PA VORTAC	LAKE HENRY, PA VORTAC HANCOCK, NY VORTAC	4000 4000
§95.6157 VOR FEDERAL AIRWAY 157 IS AMENDED TO READ IN PART		
TAPPA, VA FIX *1500 - MOCA	COLIN, VA FIX	*2000
COLIN, VA FIX *1300 - MOCA	PATUXENT, MD VORTAC	*2000
PATUXENT, MD VORTAC *1500 - MOCA	KENTON, DE VORTAC	*2000
§95.6167 VOR FEDERAL AIRWAY 167 IS AMENDED TO READ IN PART		
ELLAN, NY FIX *3000 - MOCA	KINGSTON, NY VORTAC	*4000
§95.6184 VOR FEDERAL AIRWAY 184 IS AMENDED TO READ IN PART		
TIDIOUTE, PA VORTAC *2300 - MOCA	COOSE, PA FIX	*4000
COOSE, PA FIX	PHILIPSBURG, PA VORTAC	4000
PHILIPSBURG, PA VORTAC	RASHE, PA FIX	4000
AUDRY, PA FIX	GRETA, PA FIX	4000
GRETA, PA FIX *2900 - MOCA	HARRISBURG, PA VORTAC	*4000
HARRISBURG, PA VORTAC	DELRO, PA FIX	3000
PADRE, PA FIX *1800 - MOCA	MODENA, PA VORTAC	*2500
MODENA, PA VORTAC	WOODSTOWN, NJ VORTAC	2000
CEDAR LAKE, NJ VORTAC *1300 - MOCA	ATLANTIC CITY, NJ VORTAC	*1800
ATLANTIC CITY, NJ VORTAC *5000 - MCA MURFE FIX, N BND	*MURFE, NJ FIX	1800
§95.6187 VOR FEDERAL AIRWAY 187 IS AMENDED BY ADDING		
SOCORRO, NM VORTAC	ALBUQUERQUE, NM VORTAC	8000
§95.6190 VOR FEDERAL AIRWAY 190 IS AMENDED TO DELETE		
SAINT JOHNS, AZ VORTAC VIA S ALTER. *9500 - MCA STONY FIX, SW BND	*STONY, NM FIX VIA S ALTER.	12000
STONY, NM FIX VIA S ALTER.	ALBUQUERQUE, NM VORTAC VIA S ALTER.	9000

FROM	TO	MEA
§95.6203 VOR FEDERAL AIRWAY 203 IS AMENDED TO READ IN PART		
WACKY, RI FIX *1800 - MOCA	NORWICH, CT VORTAC	*2300
NORWICH, CT VORTAC *3500 - MCA RUSEL FIX, NW BND	*RUSEL, MA FIX	3000
CANAN, NY FIX *3200 - MOCA	ALBANY, NY VORTAC	*6000
ALBANY, NY VORTAC	WARREN, NY FIX	3700
§95.6205 VOR FEDERAL AIRWAY 205 IS AMENDED TO READ IN PART		
LAYER, MA FIX *2300 - MOCA	KITTY, MA FIX	*4500
KITTY, MA FIX *2300 - MOCA	BOSOX, MA FIX	*3000
BOSOX, MA FIX	BOSTON, MA VORTAC	2300
§95.6213 VOR FEDERAL AIRWAY 213 IS AMENDED TO READ IN PART		
TAPPA, VA FIX *1500 - MOCA	COLIN, VA FIX	*2000
COLIN, VA FIX *1300 - MOCA	PATUXENT, MD VORTAC	*2000
PATUXENT, MD VORTAC *1500 - MOCA	KENTON, DE VORTAC	*2000
§95.6221 VOR FEDERAL AIRWAY 221 IS AMENDED TO READ IN PART		
JACKSON, MI VORTAC	SALEM, MI VORTAC	3000
§95.6229 VOR FEDERAL AIRWAY 229 IS AMENDED TO READ IN PART		
HARTFORD, CT VORTAC *2300 - MOCA	EAGRE, CT FIX	*3000
EAGRE, CT FIX	SPENO, MA FIX	3000
SPENO, MA FIX *2400 - MOCA	GARDNER, MA VORTAC	*3000
§95.6234 VOR FEDERAL AIRWAY 234 IS AMENDED BY ADDING		
SAINT JOHNS, AZ VORTAC *9500 - MCA STONY FIX, SE BND **10500 - MOCA	*STONY, NM FIX	**12000

FROM	TO	MEA
§95.6234 VOR FEDERAL AIRWAY 234—Continued		
STONY, NM FIX	ALBUQUERQUE, NM VORTAC	9000
ALBUQUERQUE, NM VORTAC	ANTON CHICO, NM VORTAC	10000
§95.6257 VOR FEDERAL AIRWAY 257 IS AMENDED TO READ IN PART		
GREAT FALLS, MT VORTAC	SHONK, MT FIX	6200
SHONK, MT FIX	HAVRE, MT VOR	6000
§95.6260 VOR FEDERAL AIRWAY 260 IS AMENDED TO READ IN PART		
GOOZE, VA FIX	LYNCHBURG, VA VORTAC W BND	*5000
	E BND	*3000
*2900 - MOCA		
§95.6265 VOR FEDERAL AIRWAY 265 IS AMENDED TO READ IN PART		
HARRISBURG, PA VORTAC	GRETA, PA FIX	*4000
*2900 - MOCA		
GRETA, PA FIX	AUDRY, PA FIX	4000
§95.6292 VOR FEDERAL AIRWAY 292 IS AMENDED TO READ IN PART		
CARMEL, NY VORTAC	RACEY, CT FIX	2000
RACEY, CT FIX	HARTFORD, CT VORTAC	2700
IS AMENDED TO DELETE		
LONGS, CT FIX	RACEY, CT FIX	2500
§95.6308 VOR FEDERAL AIRWAY 308 IS AMENDED TO READ IN PART		
BOSOX, MA FIX	BOSTON, MA VORTAC	2300
§95.6325 VOR FEDERAL AIRWAY 325 IS AMENDED TO READ IN PART		
ATHENS, GA VORTAC	MILES, GA FIX	3000

FROM	TO	MEA
§95.6354 VOR FEDERAL AIRWAY 354 IS AMENDED TO READ IN PART		
OKLAHOMA CITY, OK VORTAC	PIONEER, OK VORTAC	4000
§95.6402 HAWAII VOR FEDERAL AIRWAY 2 IS AMENDED TO READ IN PART		
WAPIO, HI FIX	PARIS, HI FIX E BND	4500
	W BND	6000
§95.6425 HAWAII VOR FEDERAL AIRWAY 25 IS AMENDED TO READ IN PART		
COOKE, HI FIX	BASSY, HI FIX	*6000
*1200 - MOCA		
BASSY, HI FIX	CODDY, HI FIX	*9000
*1200 - MOCA		
CODDY, HI FIX	CLUTS, HI FIX	26000
§95.6419 VOR FEDERAL AIRWAY 419 IS AMENDED TO READ IN PART		
MODENA, PA VORTAC	HARRS, PA FIX	2500
§95.6421 VOR FEDERAL AIRWAY 421 IS AMENDED TO DELETE		
GALLUP, NM VORTAC	DERMA, NM FIX	
VIA W ALTER	VIA W ALTER	*13000
*11300 - MOCA		
DERMA, NM FIX	FARMINGTON, NM VORTAC	
VIA W ALTER	VIA W ALTER NE BND	8000
	SW BND	13000
§95.6423 VOR FEDERAL AIRWAY 423 IS AMENDED TO READ IN PART		
SCIPO, NY FIX	SYRACUSE, NY VORTAC	3500
§95.6447 VOR FEDERAL AIRWAY 447 IS AMENDED TO READ IN PART		
RUCKY, VT FIX	MONTPELIER, VT VOR/DME	*4500
*3900 - MOCA		

FROM	TO	MEA
§95.6447 VOR FEDERAL AIRWAY 447—Continued		
MONTPELIER, VT VOR/DME	PLOTT, VT FIX	4800
PLOTT, VT FIX	U.S. CANADIAN BORDER	5000
§95.6468 VOR FEDERAL AIRWAY 468 IS AMENDED TO READ IN PART		
*PORTLAND, OR VORTAC	SWANY, WA FIX	**11500
*4500 - MCA PORTLAND VORTAC, NE BND		
**7100 - MOCA		
§95.6474 VOR FEDERAL AIRWAY 474 IS AMENDED TO READ IN PART		
PADRE, PA FIX	MODENA, PA VORTAC	*2500
*1800 - MOCA		
§95.6475 VOR FEDERAL AIRWAY 475 IS AMENDED TO READ IN PART		
MILIS, MA FIX	BOSTON, MA VORTAC	*2000
*1600 - MOCA		

FROM	TO	MEA
§95.6483 VOR FEDERAL AIRWAY 483 IS AMENDED TO READ IN PART		
STODA, NY FIX	SYRACUSE, NY VORTAC	2400
§95.6508 VOR FEDERAL AIRWAY 508 IS AMENDED TO READ IN PART		
DESOT, KS FIX	KANSAS CITY, MO VORTAC	2800
§95.6510 VOR FEDERAL AIRWAY 510 IS AMENDED TO READ IN PART		
BITUR, WI FIX	NODINE, MN VORTAC	5500
NODINE, MN VORTAC	LONE ROCK, WI VORTAC	3000
IS AMENDED TO DELETE		
LANSING, MI VORTAC	QUBEE, MI FIX	2900
QUBEE, MI FIX	SALEM, MI VORTAC	2800
§95.6526 VOR FEDERAL AIRWAY 526 IS AMENDED TO READ IN PART		
MERCY, PA FIX	CLARION, PA VORTAC	*3600
*3100 - MOCA		

FROM	TO	MEA	MAA
§95.7006 JET ROUTE NO. 6			
	IS AMENDED TO READ IN PART		
PRESCOTT, AZ VORTAC	PYRIT, AZ FIX	22000	45000
PYRIT, AZ FIX	ZUNI, NM VORTAC	18000	45000
§95.7078 JET ROUTE NO. 78			
	IS AMENDED TO READ IN PART		
PRESCOTT, AZ VORTAC	PYRIT, AZ FIX	22000	45000
PYRIT, AZ FIX	ZUNI, NM VORTAC	18000	45000
§95.7085 JET ROUTE NO. 85			
	IS AMENDED TO DELETE		
DRYER, OH VORTAC	SALEM, MI VORTAC	#18000	45000

#FOR THAT AIRSPACE OVER U.S. TERRITORY.

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
V-104			
	IS AMENDED BY ADDING		
MONTPELIER, VT VOR/DME	BERLIN, NH VOR/DME	25	MONTPELIER
V-12			
	IS AMENDED TO READ IN PART		
APPLETON, OH VORTAC	NEWCOMERSTOWN, OH VORTAC	28	APPLETON

§95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
J-65			
	IS AMENDED TO DELETE		
KLAMATH FALLS, OR VORTAC	SEATTLE, WA VORTAC	137	KLAMATH FALLS

[FR Doc. 83-23116 Filed 8-22-83; 8:45 am]
BILLING CODE 4910-13-C

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-2754]

Sansui Electronics Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding In the Matter of Sansui Electronics Corporation and modifies the Commission's order issued on October 24, 1975 (40 FR 56656) by modifying Paragraph I(11), so as to allow the company to impose non-discriminatory standards on the kind of retailers its distributors and dealers can serve.

DATES: Consent Order issued Oct. 24, 1975. Modifying Order issued Aug. 1, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/CC Selig S. Merber, Washington, D.C. 20580. (202) 634-4642.

SUPPLEMENTARY INFORMATION: In the Matter of Sansui Electronics Corporation, a corporation. Codification appearing at 40 FR 56656 remains unchanged.

List of Subjects in 16 CFR Part 13

Electronics products, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

United States of America—Before Federal Trade Commission

Commissioners: James C. Miller III, chairman, David A. Clanton, Michael Pertschuk, Patricia P. Bailey, George W. Douglas.

In the matter of Sansui Electronics Corp., a coporation; Docket No. C-2754.

Order Modifying Cease and Desist Order Issued on October 24, 1975

By a petition filed on March 23, 1983, Sansui Electronic Corporation ("Sansui") requests that the Commission reopen the proceeding in Docket No. C-2754 and modify Paragraph I(11) of the order issued by the Commission on October 24, 1975 so that the order would no longer prohibit Sansui from restricting transshipment by sellers of its products. Pursuant to Section 2.51 of the Commission's Rules of Practice, Sansui's request was placed on the public record for comments. One comment was received.

On March 8, 1983, the Commission issued a modified order in *U.S. Pioneer Electronics Corporation*, Docket No. C-2754, allowing Pioneer (one of Sansui's competitors) to prevent transshipment of its products to dealers who do not meet reasonable, non-discriminatory standards of promotion, service and display. The *Pioneer* and *Sansui* orders contain most favored respondent clauses pursuant to which the Commission may modify the respective orders to bring them into conformity with less stringent restrictions imposed on the respondent's competitors.

In view of the Commission's action in *Pioneer* and upon consideration of Sansui's request and supporting materials, the Commission now finds that Sansui would likely suffer significant competitive injury unless the order is modified to conform to the *Pioneer* order in accordance with Sansui's request. Such modification would be in the public interest.

Accordingly,

It is ordered, that this matter be, and it hereby is reopened and that paragraph I (11) of the order in Docket No. C-2754 be modified to read as follows:

Preventing or prohibiting any independent dealer or distributor from reselling his products to any persons or group of persons, business or class of businesses, except as expressly provided herein. This order shall not prohibit respondent from establishing lawful, reasonable, and non-discriminatory minimum standards for its dealers, including standards that relate to promotion and store display, demonstration, inventory levels, service and repair, volume requirements and financial stability, nor shall this order prohibit respondent from requiring its dealers who sell respondent's products for resale to make such sales only to dealers who maintain such minimum standards.

By direction of the Commission.

Issued: August 1, 1983.

Michael A. Baggage,

Acting Secretary.

[FR Doc. 83-23159 Filed 8-22-83; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 5

Final Schedule of Fees for Contract Market Designations

AGENCY: Commodity Futures Trading Commission.

ACTION: Final schedule of fees.

SUMMARY: The Commission recently proposed to establish a fee for contract market designation applications. 48 FR 27411 (June 15, 1983). Initially, the fee would be set at $10,000, a figure below the actual average cost of reviewing an application for contract market designation. The Commission is now adopting its proposed fee schedule in final form, with the following two changes: (1) Exchanges with pending applications will not have to pay the fee until the contract is designated or disapproved, or until one year has elapsed, and (2) the fee will not be reviewed until the beginning of fiscal year 1985 and will be reviewed at the beginning of each subsequent year to ensure that it reflects the actual costs of the designation process.

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Stacy Dean, Counsel to the Executive Director, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254-7360.

SUPPLEMENTARY INFORMATION:

I. Contract Market Designation Fees

On June 15, 1983, the Commission published for comment in the **Federal Register** a proposed fee schedule for applications for contract market designation. 48 FR 27411. The Commission proposed to establish a single fee for all futures and options contract market designation applications which would be based upon a moving average of the costs incurred by the Commission staff in reviewing the applications during the preceding three fiscal years. The nonrefundable fee would apply to all applications submitted on or after the effective date of the new fee schedule. It would also apply to any applications pending before the Commission as of the schedule's effective date, unless those applications were withdrawn by the submitting exchanges.

Having reviewed the comments submitted by seven commodity exchanges and one trade association, the Commission is now adopting the fee schedule with some modifications.[1] Initially, the nonrefundable fee for contract market designation applications will be set at $10,000. This figure is based on the average costs incurred by the Commission staff in reviewing 91 applications for contract market designation during fiscal year ("FY") 1981, FY 1982, and the first six

[1] The Commission has decided to publish the fee schedule as Appendix B to 17 CFR Part 5, rather than as Appendix A to 17 CFR Part 1, as proposed.

months of FY 1983. As noted in the supplementary information accompanying the proposed fee schedule, the $10,000 figure is well below the actual average cost to the Commission of reviewing a designation application, not only because the acutal figure has been rounded down, but because the figure does not include the review costs and overhead incurred by Division Directors and Commissioners, the costs incurred by certain Commission support staff, or the review costs incurred before October 1, 1980 and after March 31, 1983 with respect to some of the 91 applications. Thus, the Commission believes that the $10,000 fee is a fair and equitable assessment to each exchange seeking a contract market designation.[2]

Under the proposed fee schedule, the Commission would have adjusted its fee each year, based upon a moving average of the costs incurred in reviewing applications for contract market designation during the preceding three fiscal years. One commentator expressed the fear that "the level of future Commission fees would be virtually unbounded," and another agreed that the fees should not be "open-ended." A third commentator thought that it was unfair to base the present fee on the inefficiencies that may have existed in the designation process two or more years earlier and hypothesized that exchanges would engage in an annual game of timing applications "so as to avoid the higher of present or pending year fees." In light of these concerns, the Commission has decided that it will not necessarily base its annual review of the fee upon a moving average of the review costs incurred by the Commission staff during the preceding three fiscal years. The Commission, of course, reserves the right to use the moving average method or any other method that results in a fee that does not exceed actual costs. The Commission will examine its fee at the beginning of each fiscal year to ensure that it reflects the actual costs of the designation process. Since the beginning of FY 1984 is less than two months away, the Commission will not review the new fee schedule at that time. Rather, the $10,000 fee will remain in effect throughout FY 1984, and the first review of the fee schedule will occur at the beginning of FY 1985.

Several commentators suggested that it would be inappropriate for the Commission to charge a single fee for all applications, rather than charging a fee which varies according to the costs of reviewing each application. The Commission has taken into consideration the apparent concerns of such commentators but disagrees.[3] First of all, as the commentators recognize, the Commission frequently will have pending before it several applications which pose similar analytical problems. It is not uncommon for the Commission to receive within a short period of time substantially similar applications for contract market designation from different exchanges.[4] While the Commission generally reviews applications in the order of receipt, the staff does not perform its analysis in a vacuum and is cognizant of issues raised in one application which affect other similar applications. Once the Commission reviews one application, it often can more quickly analyze the remaining applications of similar nature and content. Indeed, the Division Directors purposely attempt to assign staff familiar with one contract application to review similar applications.

Thus, while the Commission could, as the commentators suggest, charge the first applicant a substantially higher fee than the subsequent applicants, the Commission believes that the first applicant would be unduly penalized, while later applicants would reap the benefits of the prior review. This result would not be "eqitable," since each applicant would receive a service of approximately equal value. *See* H.R. Rep. 97-964, 97th Cong., 2d Sess. 57 (1982) (Conference Report) (recognizing that the Commission may seek to promulgate "a schedule of equitable fees"). Moreover, it has also been the Commission's experience that on occasion problems arise in a previously designated contract market which necessitate greater scrutiny of subsequent applications for designation in a similar contract market. Thus, it is not fair to conclude, as did one commentator, that the implementation of a single fee will always "penalize" similar applications.

Imposing a single fee for all contract market designation applications has virtues in addition in addition to the equitable considerations described above. As one commentator pointed out, a single fee "has the merit of simplicity." Another commentator noted, and the Commission concurs, that the single fee "can be implemented quickly, should have minimal administrative costs, and would be at least reasonably accurate." In this regard, the D.C. Circuit has stated that "[c]onsiderations of administrative convenience may certainly be taken into account" in devising a fee schedule. *National Cable Television Association* v. *FCC*, 554 F.2d 1094, 1108 (D.C. Cir. 1976). Finally, with a single fee, an applicant knows with certainty what its costs will be and does not risk having to pay additional fees before the Commission will consider approval of its application.

In contrast to the comments of two exchanges, the Commission does not believe that the adoption of a single fee for all applications is inconsistent with legal precedents interpreting the Independent Offices Appropriation Act of 1952 ("IOAA").[5] Indeed, the Commission has taken into account the judicial guidelines provided under the IOAA. For example, the applicable case law does not require an exact apportionment of costs. In *National Cable Television Association* v. *FCC*, 554 F.2d at 1105-06, the D.C. Circuit stated:

> It is sufficient for the Commission to identify the specific items of direct or indirect cost incurred in providing each service or benefit for which it seeks to assess a fee, and then to divide that cost among the members of the recipient class . . . in such a way as to assess each a fee which is roughly proportional to the "value" which that member has thereby received.

This the Commission has done.[6]

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[2] This figure represents a fee equivalent to the cost (including overhead) of approximately one-quarter of one staff year to analyze each application for contract market designation.

[3] The Commission's use of average fees is hardly unique; other federal agencies have based their fee schedules on average costs. *See, e.g.*, 48 FR 635 (Jan. 6, 1983) (Civil Aeronautics Board final rule) (methodology specified in greater detail in notice of proposed rulemaking, 47 FR 7846 (Feb. 23, 1982)); 48 FR 9853 (March 9, 1983) (Department of the Treasury final rule).

[4] The Commission publishes the subject matter of an application for contract market designation in the **Federal Register** and makes the application available to the public, withholding only those provisions which contain privileged information. Thus, it is possible for one exchange to submit an application which contains significant features of an application previously submitted by another exchange.

[5] In any event, the Commission has sufficient independent authority under Section 8a(5) of the Commodity Exchange Act, 7 U.S.C. 12a(5), and Section 26 of the Futures Trading Act of 1978, 92 Stat. 877, 7 U.S.C. 16a (Supp. V 1981), redesignated as Section 26(a) by Section 237 of the Futures Trading Act of 1982, Pub. L. 97-444, 96 Stat. 2326 (Jan. 11, 1983), to promulgate this rule.

[6] In a companion case, the same court elaborated on the flexibility which agencies have in calculating fees under the IOAA:

> The concurrence also states that it does not read *NCTA* as requiring "the proportion-of-cost basis" as the only acceptable method of determining a fee. That may well be so. It may be possible that a proper fee may be fashioned on other lines. We do not mean to circumscribe the ingenuity of the agencies in dealing with this problem.

National Association of Broadcasters v. *FCC*, 554 F.2d 1118, 1129 n.28 (D.C. Cir. 1976).

A number of commentators felt that charging a fee based on the average cost of reviewing an application would provide the Commission staff with no incentive to utilize its resources efficiently. As noted above, however, there are equities inherent in an average fee. Moreover, the Commission does not believe that if the fee were to depend solely upon the costs it incurred in considering each application, there would be any greater incentive for it to minimize those costs. In any event, since the money collected will go to the United States Treasury, not to the Commission, the size and nature of the fee schedule should not influence staff performance.

A related concern expressed by one commentator was that by making the fee nonrefundable, the Commission would eliminate the incentive "for an exchange to pull back its application, no matter how improbable that the application will be approved, or if approved, traded." The Commission does not share this concern, since the nonrefundability of the fee should discourage, rather than encourage, the submission of applications which do not meet the Commission's standards mandated under the Commodity Exchange Act or which the exchange thinks have little prospect to become viable.

Two exchanges noted that they sometimes submit designation "packages" containing more than one contract market application. Under the Act, exchanges are designated to trade a given contract. Accordingly, each component of such a submission represents a distinct application for contract market designation. Furthermore, even closely related contracts often pose unique problems which require extensive analysis. Approval of one contract market designation would not necessarily mandate approval of the entire package. Consequently, the Commission has determined that each contract within such a package is subject to the new fee. Exchanges should not be able to avoid responsibility for the costs of individual analysis mandated under the Commodity Exchange Act by "packaging" their contract market designation applications.

A few commentators suggested that the Commission should specify in greater detail how the Commission arrived at its $10,000 figure and what occurs during the application review process. As explained in the supplementary information accompanying the proposed fee schedule, the Commission staff spent a total of $950,537 in FY 1981, FY 1982, and the first six months of FY 1983 in reviewing a total of 91 applications for contract market designation. The $950,537 figure is comprised of only those costs attributed to the application review process. This figure includes $312,634 for FY 1981, $449,345 for FY 1982, and $188,558 for the first six months of FY 1983. The figures for each year were derived by adding the compensation and benefit costs and the travel costs for each Commission division which were directly attributable to the contract market designation process and applying an overhead figure of 32%.

When an application for contract market designation is received by the Office of the Secretariat, it is copied and distributed to the Commission's Division of Economics and Education and Division of Trading and Markets. The primary analysis of the application is performed in the Division of Economics and Education, which also ensures that a notice of proposed contract market designation is published in the **Federal Register**. That Division reviews the application to determine whether it conforms from an economic point of view to the relevant provisions of the Commodity Exchange Act, 7 USC 1 *et seq.*, and to the guidelines set forth in Appendix A to 17 CFR Part 5. In performing this review, the Division economists study the cash market for the underlying commodity, engage in library research, contact other Government agencies, conduct interviews with market participants, and consider public comments submitted in response to the **Federal Register** notice.

While the Division of Economics and Education is performing its economic analysis of the application, the Division of Trading and Markets conducts smaller-scale reviews of the contract's trading rules and the rule enforcement program of the submitting exchange. In addition, the Office of General Counsel, the Office of the Executive Director, and the Division of Enforcement review the application for contract market designation before the application package is submitted to the Commission. In short, the $10,000 fee reflects the considerable effort of the numerous Commission staff professionals who review an application for contract market designation. The total average cost of this effort is in excess of $10,000.

The Commission does not agree with those commentators who suggest that the $10,000 fee cannot be imposed on applications pending as of the date this fee schedule becomes effective. The relevant case law clearly establishes that "the mere filing of an application" does not create "a property right which is immune from modification." *Hannifin* v. *Morton*, 444 F.2d 200 (10th Cir. 1971).[7] *See also Miller* v. *Udall*, 317 F.2d 573 (D.C. Cir. 1963). The Tenth Circuit recently affirmed this principle in considering a fee imposed on applications for rights-of-way pursuant to the Federal Land Policy and Management Act of 1976 ("FLPMA"), 43 U.S.C. 1701 *et seq.* (1976 & Supp. V 1981): "[W]e hold that Interior may charge applicants for rights-of-way pending at the date of FLPMA's enactment for 'reasonable' costs of processing incurred prior to the Act's passage." *Nevada Power Co.* v. *Watt*, No. 81-1944 (10th Cir. June 16, 1983).

It should be emphasized, however, that no exchange will be involuntarily subjected to the $10,000 fee, since any pending application may be withdrawn without prejudice. In this regard, the Commission agrees with the commentator who reasoned, "To the extent any exchange is uncertain of its commitment to a contract which it has proposed but upon which the Commission has yet to make a determination, the proposed thirty-day withdrawal period would alleviate any 'unfairness' which might otherwise arguably have been created."

In addition, the Commission finds no legal impediment to its charging a fee for a pending application which was filed prior to January 11, 1983, the effective date of the Futures Trading Act of 1982 ("1982 Act"). The Commission wishes to emphasize that the 1982 Act did not create the Commission's authority to impose fees but merely acknowledged the authority contained in existing laws. *See* H.R. Rep. 97-964, 97th Cong., 2d Sess. 57 (1982) (Conference Report). Moreover, for the reasons stated above, even if the Commission's fee authority had been newly established as of January 11, 1983, the Commission could validly impose a fee on pending applications which were submitted prior to that date, particularly where, as here, an application may be withdrawn without prejudice and without incurring the fee.

The Commission is nevertheless sympathetic to the financial burden on those exchanges which, under the proposed fee schedule, would be required within a 30-day period to pay a $10,000 fee for each of their pending applications. Accordingly, the Commission has decided to extend the

[7] At issue in *Hannifin* was the validity of as rule published at 33 FR 15948 (Oct. 30, 1968), in which the Secretary of the Interior imposed an annual rental fee for sulphur prospecting permits on pending applications.

payment period for exchanges with pending applications. Within 30 days of the effective date of the final fee schedule, each exchange with one or more pending applications for contract market designation will be required to furnish the Commission with a written list of those pending applications with respect to which it wishes the Commission to take further action. Those applications will thereby become subject to the $10,000 fee, which must be paid no later than the earlier of the following two dates: (1) three business days after the date on which the Commission takes final action with respect to the application (whether the Commission approves or disapproves the application),* or (2) August 23, 1984.

Any application not included on the list submitted by the exchange will be considered withdrawn at the end of the 30-day period and will not be subject to the $10,000 fee. If an exchange does not submit the aforementioned list within 30 days, all of its pending applications for contract market designation will be considered withdrawn.* This relief measure applies only to pending applications, and, as specified below, all applications submitted after August 23, 1983 will have to be accompanied by a payment of $10,000.

Under the new fee schedule, an application for contract market designation submitted after August 23, 1983, must be accompanied by a check or money order made payable to the Commodity Futures Trading Commission. The application and fee should be sent to the Office of the Secretariat in Washington, D.C. Applications received without fees will be returned to the submitting exchanges, and the one-year time limit for reviewing the applications will not begin to run. *See* Section 6 of the Commodity Exchange Act, as modified by Section 218 of the Futures Trading Act of 1982, Pub. L. 97–444, 96 Stat. 2308 (Jan. 11, 1983).

The Commission has determined that good cause exists for making the new contract market designation fees effective immediately, rather than 30 days after publication of the new fee schedule. *See* 5 U.S.C. 553(d)(3). This will enable the federal government to begin recovering, as quickly as possible, some of the costs associated with an expensive service which the government has provided free of charge to the futures industry for many years. Moreover, at the time it approved the proposed fee schedule for publication, the Commission indicated that it would consider adopting a final rule prior to the end of FY 1983. An immediate effective date should not prejudice exchanges with pending applications, since the new fee schedule provides the exchanges with a 30-day period in which to decide whether to withdraw their applications and an opportunity to postpone payment. Nor should an immediate effective date significantly affect exchanges which file applications within 30 days of that date. Such applications would be subject to the fee even if the fee's effective date were delayed for 30 days.

II. Regulatory Flexibility Act

The Commission has previously determined that contract markets are not "small entities" for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* 47 FR 18618 (April 30, 1982). The requirements of the Regulatory Flexibility Act therefore do not apply to contract markets. Accordingly, the Acting Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C. 605(b) that the rule promulgated herein will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 17 CFR Part 5

Applications for contract markets designation, Fees, Commodity futures.

PART 5—DESIGNATION OF AND CONTINUING COMPLIANCE BY CONTRACT MARKETS

Adding Appendix B to Part 5 of Chapter 1 of Title 17 CFR

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act, and in particular in Sections 4c(c), 5, 5a, and 8a (5), 7 U.S.C. 6c(c), 7, 7a, and 12a(5); in Section 26 of the Futures Trading Act of 1978, 92 Stat. 877, 7 U.S.C. 16a (Supp. V 1981), as amended by Section 237 of the Futures Trading Act of 1982, Pub. L. 97–444, 96 Stat. 2326 (Jan. 11, 1983); and in the Independent Offices Appropriation Act of 1952, as amended by Pub. L. 97–258, 96 Stat. 1051 (Sept. 13, 1982) (see 31 USCA 9701), the Commission hereby amends Part 5 of Chapter 1 of Title 17 of the Code of Federal Regulations by adding Appendix B. In taking this action, the Commission has considered the public interest to be protected by the antitrust laws and has endeavored to take the least anticompetitive means of achieving the regulatory objectives of the Commodity Exchange Act.

* * * * *

Appendix B—Schedule of Fees

(a) Applications for Contract Market Designation. Each application for designation as a contract market must be accompanied by a check or money order in the amount of $10,000 made payable to the Commodity Futures Trading Commission.

(b) Checks and applications should be sent to the attention of the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. No checks or money orders may be accepted by personnel other than those in the Office of the Secretariat.

(c) Failure to submit the fee with an applications for designation as a contract market will result in return of the application. Fees will not be returned after receipt.

(d) An exchange with one or more applications for designation pending before the Commission on the effective date of this section may elect to pay the $10,000 fee for any such application by remitting the fee in the manner provided by paragraph (b) of this section within 30 days of such effective date. With respect to all such applications for which such $10,000 fee has not been paid, the exchange shall, within 30 days of the effective date of this section, send written notice to the Commission, at the address provided in paragraph (b) of this section, which notice shall specify which of its pending applications the exchange requests the Commission to continue to process. With respect to each application for which such request is made, including any application that the exchange withdraws from Commission consideration subsequent to the end of such 30-day period but prior to final Commission action thereon, the exchange shall pay the $10,000 fee no later than the earlier of (1) three business days after the date on which the Commission takes final action on the application or (2) one year after the effective date of this section. If, as to any pending application, the exchange fails either to pay the fee or to provide the Commission with written notice as provided in this paragraph within 30 days of the effictive date of this section, such application shall be deemed withdrawn by the exchange at the end of such 30-day period, and no fee shall be payable with respect to such application. The withdrawal of any application as herein provided shall be without prejudice to the exchange resubmitting the application subsequent to the end of such 30-day period. Any such resubmission shall be subject to payment of the fee provided in paragraph (a) of this section as then in effect.

Issued in Washington, D.C., on August 16, 1983, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-22800 Filed 8-22-83; 8:45 am]

BILLING CODE 6351-01-M

* Since the Commission's designation will be subject to the requirement that the fee has been paid, the Secretariat will not issue a formal letter of designation until the $10,000 fee is received.

* As an alternative to submitting a list of applications, an exchange may submit the $10,000 fee for any particular application within 30 days, and the Commission will consider that application.

SECURITIES AND EXCHANGE COMMISSION

17 CFR PART 240

[Release No. 34-20091]

Amendments to Rule 14a-8 Under the Securities Exchange Act of 1934 Relating to Proposals by Security Holders

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission announces the adoption of amended Rule 14a-8, which provides security holders a right to have their proposals included in the proxy statement of issuers subject to the proxy rules under the Securities Exchange Act of 1934. This action completes the second project in the Commission's Proxy Review Program.

DATE: Effective date: All of the amendments to Rule 14a-8 adopted August 16, 1983 with the exception of the changes to the timeliness provisions of paragraphs (a)(3) and (d) are applicable to proposals submitted for inclusion in proxy material to be filed preliminarily with the Commission on or after January 1, 1984. The new timeliness requirements in paragraphs (a)(3) and (d) apply to proposals submitted for inclusion in proxy material to be filed preliminarily with the Commission on or after July 1, 1984.

FOR FURTHER INFORMATION CONTACT: William E. Morley or John J. Gorman, (202) 272-2573, Office of the Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the adoption of amendments to Rule 14a-8 [17 CFR 240.14a-8] under the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. 78a *et seq.* (1976 and Supp. IV 1980)] and certain interpretations thereunder. The amendments adopted today were the subject of Release No. 34-19135 (October 14, 1982) 47 FR 47420 (the "Proposing Release") in which the Commission undertook a comprehensive re-examination of the security holder proposal process.

I. Executive Summary

In the Proposing Release, the Commission requested comment on the basic issues as to whether security holders' access to issuers' proxy statements should be provided under the Exchange Act, the nature of such access and the Commission's role in administering the process, however defined. The Proposing Release included three specific alternative proposals in the event the Commission were to conclude that continued federal regulation of the security holder proposal process is appropriate.

Proposal I retained the current framework of Rule 14a-8 but incorporated certain revisions to specific provisions, several interpretations thereunder and staff practices in administering the rule. The proposed revisions were designed principally to remove those procedural provisions not required to further the purpose of the rule and to clarify and to simplify the application of the rule.

Proposal II would have permitted issuers and their security holders to adopt their own procedures govering access to the issuer's proxy statement, subject to certain minimum standards prescribed by the Commission. Administration of such procedures would have been left essentially to issuers and their shareholders, and ultimately the courts.

The third proposal based on the premise that security holders should have relatively unfettered access to an issuer's proxy statement. Proposal III would have required the inclusion of any proposal proper under state law except those involving the election of directors. Proposal III would have limited the maximum number of proposals required to be included, and where necessary, would have had proposals to be included selected by lot.

The Proposing Release elicited a substantial number of comment letters.[1] The commentators included representatives from all segments of the public that are concerned with the security holder proposal process: Issuers, attorneys, shareholders (including those who have been proponents and those who have not), proponents' representatives and public interest organizations. While the comments ranged from statements that the existing rule works well and should not be changed to suggestions that issuers be given unrestricted rights to establish their own procedures for security holder proposals, there was extensive support for continued security holder access to the issuer's proxy statement under the Exchange Act and for continued Commission, rather than judicial, administration of the process.

A substantial majority of the commentators favored Proposal I or a continuation of the current rule with no change.[2]

While there was some limited support, mostly from issuers, for the approach proposed in Proposal II,[3] most commentators were concerned that Proposal II would create serious problems of administration as there would be no uniformity or consistency in determining the inclusion of security holder proposals. Exacerbating the problem generated by provisions individual to each issuer would be the effect of the fifty state judicial systems administering the process.

Only a few commentators supported Proposal III.[4] A number of commentators expressed concern that the proposal would result in costly and time consuming litigation. Many took issue with the basic assumption underlying the lottery selection of proposals *i.e.*, that all proposals are of equal merit.

After review of the constructive and detailed views of the commentators and after consideration of the issues presented in the Proposing Release, the Commission has determined that shareholder access to issuers' proxy materials is appropriate and that federal provision of that access is in the best interests of shareholders and issuers alike.

Moreover, based on the overwhelming support of the commentators and the Commission's own experience, the Commission has determined that the basic framework of current Rule 14a-8 provides a fair and efficient mechanism for the security holder proposal process, and that with the modifications to the rule and interpretations thereunder discussed in this Release, Proposal I should serve the interests of shareholders and issuers well. There follows a discussion of the highlights of the revisions to Rule 14a-8 adopted today. Interested persons are directed to the text of amended Rule 14a-8 and the

[1] Three hundred and ninety-seven letters of comment were received from three hundred and eighty-three commentators. A copy of the Summary of Comments, as well as the letters of comment, is available for public inspection and copying at the Commission's Public Reference Room. (*See* File No. S7-946.

[2] One hundred and fifteen commentators generally supported Proposal I, although a number did propose various modifications. An additional one hundred and forty-five commentators suggested that there should be no change in the exiting rule. Fifty-nine commentators addressed some aspect of the proposals without expressing support for one of the three approaches proposed by the Commission.

[3] There were only twenty-four commentators who expressed support for Proposal II, although there were an additional eighteen letters which indicated some support for the concept underlying Proposal II.

[4] Six commentators favored the adoption of the proposal, with an additional sixteen letters indicating support for the theory underlying the principles advanced.

Proposing Release for a more complete understanding.

II. Discussion of Specific Provisions of Amended Rule 14a–8

A. Procedural Requirements for Proponents

1. Rule 14a–8(a)(1) [17 CFR 240.14a–8(a)(1)]—Eligibility. The Commission proposed a revision to Rule 14a–8(a)(1) that would provide that to be eligible to submit a proposal, a proponent must own at least 1% or $1000[5] in market value of a security entitled to be voted at the meeting on the proposal and have held such securities for no less than one year prior to the date on which he submits the proposal.

A majority of the commentators specifically addressing this issue supported the concept of a minimum investment and/or a holding period as a condition to eligibility under Rule 14a–8. Many of those commentators expressed the view that abuse of the security holder proposal rule could be curtailed by requiring shareholders who put the company and other shareholders to the expense of including a proposal in a proxy statement to have some measured economic stake or investment interest in the corporation. The Commission believes that there is merit to those views and is adopting the eligibility requirement as proposed.

A number of commentators did, however, point out that changing market values for an issuer's securities could create problems in determining whether a proponent met the requirement that he own $1,000 of an issuer's securities for at least one year at the time that the proposal is submitted. In order to alleviate the questions the Commission is establishing the following test for determining whether a proponent has held $1,000 worth of the issuer's securities: The securities have been held for at least one year and are valued at $1,000 computed by use of the average of the bid and asked prices of such securities, as of a date within 60 days prior to the date of submission of the proposal.

The Proposing Release also included a revision of the second sentence of Rule 14a–8(a)(1) that would change the time limit for a proponent to provide documentation of his beneficial ownership of the issuer's securities from 10 business days to 14 calendar days. There was no specific opposition to the change and it is being adopted as proposed. It was suggested, however, that the rule require a proponent to deliver such documentation to the issuer at the time the proposal is submitted. Paragraph (a)(2) of Rule 14a–8, as adopted today, has been revised to include such a requirement.

Finally, the Commission proposed that persons who solicited an issuer's security holders through a "general proxy solicitation" with respect to the same shareholders' meeting would be ineligible to include a proposal in the issuer's proxy materials pursuant to Rule 14a–8. A number of commentators raised concerns with respect to the term "general proxy solicitation". The Commission has revised the provision to delete all references to "general proxy solicitation." Rather than relying on the concept of a "general proxy solicitation," the provision simply provides that proponents who deliver written proxy materials to holders of more than 25% of a class of the issuer's outstanding securities entitled to vote on the proposal are ineligible to submit any security holder proposals for inclusion in the issuer's proxy soliciting material.

2. *Rule 14a–8(a)(2) [17 CFR 240.14a–8(a)(2)]—Notice.* The Commission proposed the elimination of the requirement that the proponent notify the issuer of his intention to appear personally at the meeting. Commentators were split fairly evenly on whether or not to eliminate this requirement. The Commission believes that the requirement serves little purpose and only encumbers proponents and therefore has deleted such requirement from the rule.

The Commission also proposed a change in the existing rule which would permit a proponent to arrange, from the outset, to have any person who is permitted under applicable state law to present the proposal for action at the meeting. A majority of the commentators that addressed this point supported the change. Those opposing the change argued that the annual meeting is a shareholders' meeting and that any representative selected to present the proposal should be a shareholder. The Commission continues to believe, however, that where state law permits a person other than a shareholder to act as proxy for a shareholder, such person should be permitted to present the proposal. Accordingly, the Commission has adopted the proposed change to Rule 14a–8(a)(2).

There was general support for the proposed requirement that a proponent notify the issuer at the time he submits the proposal of his name, address, the number of the issuer's securities that he holds of record or beneficially and the dates upon which he acquired such securities. The Commission is adopting that provision with one addition. As discussed earlier in connection with the eligibility requirements under Rule 14a–8(a)(1), the rule as adopted also requires that the proponent provide the issuer with documentary support for any claim of beneficial ownership at the time that the proponent submits his proposal.

Finally, the Commission also has adopted the proposed change in a staff interpretation of Rule 14a–8(a)(2) to the effect that attendance at another shareholders' meeting will no longer be good cause for failure to present a proposal at an issuer's shareholders meeting.

3. *Rule 14a–8(a)(3) [17 CFR 240.14a–8(a)(3)]—Timeliness.* The Commission has adopted the proposed extension of the deadline for submission of proposals to be included in annual meeting proxy material from 90 to 120 days to give issuers and the Commission's staff adequate time to process proposals.

In adopting the new timeliness deadlines in Rules 14a–8(a)(3) and 14a–8(d), the Commission realizes that many proponents and issuers may be adversely affected unless there is a reasonably lengthy transition period prior to the effectiveness that will allow all interested persons adequate time to familiarize themselves with the requirements and to comply with those requirements. In addition, issuers will need additional time to supply the notice required by Rule 14a–5(f) [17 CFR 240.14a–5(f)] in their proxy statements. Accordingly, while all of the other amendments to Rule 14a–8 adopted today will be applicable to proposals submitted to issuers who file their preliminary proxy materials with the Commission on or after January 1, 1984, the effectiveness of the new timeliness deadlines set forth in paragraphs (a)(3) and (d) of the amended rule are deferred an additional six months. Thus, the new timeliness requirements will apply only to those proposals submitted to issuers filing their preliminary proxy material with the Commission on or after July 1, 1984.

B. Rule 14a–8(a)(4) [17 CFR 240.14a–8(a)(4)]—Number of Proposals

The Commission is adopting the proposed reduction in the number of proposals that a proponent may submit to an issuer in any one year from two to one. The majority of the commentators addressing this issue were in favor of the change. The Commission believes that this change is one way to reduce issuer costs and to improve the readability of proxy statements without substantially limiting the ability of

[5] Holdings of coproponents will be aggregated in determining the includability of a proposal.

proponents to bring important issues to the shareholder body at large.

The Commission also proposed a second change to Rule 14a–8(a)(4) which would give a proponent 14 calendar days rather than 10 business days "to reduce the number of words or the number of proposals" after being notified by the issuer that he had exceeded the limits set forth in the rule. There was no specific opposition to the change and it is being adopted as proposed.

In the Proposing Release, the Commission requested comment on the possibility of requiring proponents to pay a fee in connection with the submission of their proposals. A majority of the commentators addressing this question, almost exclusively issuers, supported the idea of a fee. Those comments, however, raised a great many questions as to the appropriate amount of such a fee and the manner in which the fee should be collected. In light of the significant questions as to the practicality and the feasibility of such an assessment, the Commission has determined not to adopt a fee requirement at this time.

C. Rule 14a–8(b)(1)—Supporting Statements for Proposals

The Proposing Release included a revision to Rule 14a–8(b) [17 CFR 240.14a–8(b)] to permit proponents to include a supporting statement for their proposals when management does not oppose the proposal. The Commission believes such supporting statements can provide shareholders with background information that may be helpful in considering the proposal and has adopted such revision.

The Commission also has amended the rule to permit a proponent an aggregate of 500 words for his proposal and supporting statement to be allocated at his discretion.

D. Rule 14a–8(b)(2)—Identification of Proponent

The Commission is adopting Rule 14a–8(b)(2) as proposed. Under the rule, the Commission will no longer provide the name and address of a proponent who is not identified in the proxy statement. Such information will have to be obtained from the issuer.

In response to a request made by a number of commentators, the Commission wishes to make it clear that an issuer is not required under the rule to include the name and address of the proponent in its proxy materials, but may do so at its sole discretion. Where the issuer chooses to exclude such information, it is required only to indicate that it will provide such information on request.

E. Substantive Grounds for Omission of Security Holder Proposals

1. *Rule 14a–8(c)(1) [17 CFR 240.14a–8(c)(1)]—Not a Proper Subject for Action by Security Holders Under State Law.* While no change was proposed to Rule 14a–8(c)(1), a number of commentators argued that the Note to paragraph (c)(1) should be deleted, since the Note elevated form over substance in considering whether a proposal would be a proper subject for action by security holders under applicable state law. The Note was first added to Rule 14a–8 in 1976 [6] to explain the staff's interpretive approach in considering the application of paragraph (c)(1). That interpretation was based on the experience of the staff that generally under state corporation law a request for the board of directors to consider certain actions was deemed proper for shareholder action as it did not infringe upon the directors' statutory authority to manage the corporation.

To reiterate what the Commission said in 1976,

> [I]t is the Commission's understanding that the laws of most states do not, for the most part, explicitly indicate those matters which are proper for security holders to act upon but instead provide only that "the business and affairs of every corporation organized under this law shall be managed by its board of directors," or words to that effect. Under such a statute, the board may be considered to have exclusive discretion in corporate matters, absent a specific provision to the contrary in the statute itself, or the corporation's charter or by-laws. Accordingly, proposals by security holders that mandate or direct the board to take certain action may constitute an unlawful intrusion on the board's discretionary authority under the typical statute. On the other hand, however, proposals that merely recommend or request that the board take certain action would not appear to be contrary to the typical state statute, since such proposals are merely advisory in nature and would not be binding on the board even if adopted by a majority of the security holders.[7]

The Commission believes, on the basis of opinions submitted to it by issuers and proponents, that this view continues to reflect general state corporate law. The Note, however, has been revised to make it clear that whether the nature of the proposal, mandatory or precatory, affects its includability is solely a matter of state law, and to dispel any mistaken impression that the Commission's application of paragraph (c)(1) is based on the form of the proposal.

2. *Rule 14a–8(c)(3) [17 CFR 240.14a–8(c)(3)]—Proposals that Are Contrary to the Commission's Proxy Rules, Including Rule 14a–9.* Although the Commission did not propose any changes to Rule 14a–8(c)(3), the Proposing Release discussed certain staff practices in administering this provision. The Commission indicated that it believed it appropriate for the staff to give proponents the opportunity to amend portions of proposals or supporting statements which might be violative of Rule 14a–9 at the time they were submitted, since issuers are accorded the same opportunities with respect to their soliciting materials. While some commentators were critical of the latitude given to proponents to make such modifications, the Commission has determined not to change its administration of paragraph (c)(3).

3. *Rule 14a–8(c)(4) [17 CFR 240.14a–8(c)(4)]—Personal Claim or Grievance.* The proposed change to Rule 14a–8(c)(4) was intended to clarify the scope of the exclusionary paragraph and to insure that the security holder proposal process would not be abused by proponents attempting to achieve personal ends that are not necessarily in the common interest of the issuers shareholders generally. Some commentators expressed concern that, as proposed, the "personal interest" grounds for exclusion could be applied to exclude a proposal relating to an issue in which a proponent was personally committed or intellectually and emotionally interested. This is not the Commission's intent. In order to allay such concerns and clarify the intended scope of revised paragraph (c)(4), the Commission has incorporated such commentators' suggested revision. As so revised the rule now refers to a "proposal . . . designed to result in a benefit to the proponent or to further a personal interest, which benefit or interest is not shared with the other security holders at large."

4. *Rule 14a–8(c)(5) [17 CFR 240.14a–8(c)(5)]—Not Significantly Related to the Issuer's Business.* The Commission is adopting Rule 14a–8(c)(5) as proposed. Paragraph (c)(5) relates to proposals concerning the functioning of the economic business of an issuer and not to such matters as shareholders' rights, e.g., cumulative voting.

5. *Rule 14a–8(c)(7) [17 CFR 240.14a–8(c)(7)]—Ordinary Business.* The Commission did not propose any change to existing Rule 14a–8(c)(7), but did propose a significant change in the

[6] Release 34–12999, (Nov. 22, 1976) [41 FR 52994].

[7] *Id.* at p. 18.

staff's interpretation of that rule. In the past, the staff has taken the position that proposals requesting issuers to prepare reports on specific aspects of their business or to form special committees to study a segment of their business would not be excludable under Rule 14a-8(c)(7). Because this interpretation raises form over substance and renders the provisions of paragraph (c)(7) largely a nullity, the Commission has determined to adopt the interpretative change set forth in the Proposing Release. Henceforth, the staff will consider whether the subject matter of the special report or the committee involves a matter of ordinary business; where it does, the proposal will be excludable under Rule 14a-8(c)(7).

6. *Rule 14a-8(c)(10) [17 CFR 240.14a-8(c)(10)]—Moot.* As with Rule 14a-8(c)(7), the Commission did not propose to change Rule 14a-8(c)(10), but did propose a change in the staff interpretation of the provision. In the past, the staff has permitted the exclusion of proposals under Rule 14a-8(c)(10) only in those cases where the action requested by the proposal has been fully effected. The Commission proposed an interpretative change to permit the omission of proposals that have been "substantially implemented by the issuer". While the new interpretative position will add more subjectivity to the application of the provision, the Commission has determined that the previous formalistic application of this provision defeated its purpose. Accordingly, the Commission is adopting the proposed interpretative change.

The Commission also requested comment on the adoption of a new interpretation of Rule 14a-8(c)(10) which would have permitted the omission of precatory proposals where the board of directors has considered the request in good faith and determined not to act. The Commission has determined that because of the administrative difficulties in administering the "good faith" test, it will not undertake the proposed interpretation at this time.

7. *Rule 14a-8(c)(12) [17 CFR 240.14a-8(c)(12)]—Repeat Proposals.* Existing Rule 14a-8(c)(12) permits the exclusion of a proposal if substantially the same proposal has been included in the issuer's proxy statement in prior years and the proposal failed to obtain a specified percentage of votes cast. The Commission proposed a change which would permit the exclusion of proposals dealing with substantially the same subject matter as proposals submitted in prior years, but which failed to receive the requisite percentage of votes.

The commentators supporting the proposed amendment felt that it was an appropriate response to counter the abuse of the security holder proposal process by certain proponents who make minor changes in proposals each year so that they can keep raising the same issue despite the fact that other shareholders have indicated by their votes that they are not interested in that issue.

Commentators who opposed the change argued that the revision was too broad and that it could be used to exclude proposals that had only a vague relation to an earlier proposal. Many of those commentators suggested that such a broad change was not necessary if the staff changed its interpretation of the existing provision.

The Commission has determined to adopt the proposed change to Rule 14a-8(c)(12). The Commission believes that this change is necessary to signal a clean break from the strict interpretive position applied to the existing provision. The Commission is aware that the interpretation of the new provision will continue to involve difficult subjective judgements, but anticipates that those judgements will be based upon a consideration of the substantive concerns raised by a proposal rather than the specific language or actions proposed to deal with those concerns. The Commission believes that by focusing on substantive concerns addressed in a series of proposals, an improperly broad interpretation of the new rule will be avoided.

The Commission also requested comment on the advisability of raising the percentage tests for resubmission of proposals under Rule 14a-8(c)(12). Currently the rule requires a 3% vote the first time a proposal is included, 6% the second time the proposal is voted upon, and 10% every year thereafter. Issuers who commented upon this question strongly supported an increase in the percentage tests. Proponents were opposed to any increase.

The Commission believes that given the increased voting activities of institutional investors with respect to security holder proposals and the greater potential support for such proposals, it is appropriate to raise the thresholds for resubmission. The Commission believes, however, that the upper limit should remain at 10%. A proposal that receives 10% of the votes cast, particularly in the face of management opposition, appears to have sufficient shareholder interest to warrant reconsideration. Accordingly, the Commission has raised the thresholds to 5% and 8% in the first and second years, respectively, with the final test remaining at 10%.

F. Procedural Requirements for Issuers

Rule 14a-8(d) [17 CFR 240.14a-8(d)]. The Commission is adopting the one change proposed in paragraph (d) that would require an issuer to notify the Commission of the issuer's intention to omit a proposal 60 rather than 50 days in advance of the filing of its preliminary proxy material. As earlier noted in the discussion of Rule 14a-8(a)(3), the effectiveness of this provision will be delayed for one year until July 1, 1984.

G. No-Action Procedures

The Commission also requested comment on the advisability of eliminating the Commission staff's administrative role in the current security holder proposal process and either generally discontinuing the issuance of no-action letters under Rule 14a-8 or discontinuing such letters with respect to paragraphs (a)(4), (c)(1), (c)(2) and (c)(4). Almost without exception, the commentators opposed the discontinuation of the staff's involvement in the process, citing problems of costs, confusion, complexity and delay. No change to the staff's role in the administration of the rule therefore will be effected.

IV. Statutory Authority and Findings

The Commission hereby adopts Rule 14a-8 and the interpretation thereunder pursuant to its statutory authority under Sections 14(a) and 23(a) of the Exchange Act, Sections 12(e) and 20(a) of the Public Utility Holding Company Act of 1935, and Sections 20(a) and 38(a) of the Investment Company Act of 1940. As required by Section 23(a) of the Exchange Act, the Commission has considered the impact that this rulemaking action would have on competition and has concluded that they would impose no significant burden on competition not necessary or appropriate in furtherance of the purpose of the Exchange Act.

List of Subjects in 17 CFR Part 240

Reporting requirements, Securities.

V. Text of Amendments

In accordance with the foregoing, Title 17, Chapter II, of the Code of Federal Regulations is amended as follows:

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

1. By revising Rule 14a-8, § 240.14a-8, to read as follows:

§ 240.14a-8 Proposals of security holders.

(a) If any security holder of an issuer notifies the issuer of his intention to present a proposal for action at a forthcoming meeting of the issuer's security holders, the issuer shall set forth the proposal in its proxy statement and identify it in its form of proxy and provide means by which security holders can make the specification required by Rule 14a-4(b) [17 CFR 240.14a-4(b)]. Notwithstanding the foregoing, the issuer shall not be required to include the proposal in its proxy statement or form of proxy unless the security holder (hereinafter, the "proponent") has complied with the requirements of this paragraph and paragraphs (b) and (c) of this section:

(1) *Eligibility.* (i) At the time he submits the proposal, the proponent shall be a record or beneficial owner of at least 1% or $1000 in market value of securities entitled to be voted at the meeting and have held such securities for at least one year, and he shall continue to own such securities through the date on which the meeting is held. If the issuer requests documentary support for a proponent's claim that he is the beneficial owner of at least $1000 in market value of such voting securities of the issuer or that he has been a beneficial owner of the securities for one or more years, the proponent shall furnish appropriate documentation within 14 calendar days after receiving the request. In the event the issuer includes the proponent's proposal in its proxy soliciting material for the meeting and the proponent fails to comply with the requirement that he continuously hold such securities through the meeting date, the issuer shall not be required to include any proposals submitted by the proponent in its proxy material for any meeting held in the following two calendar years.

(ii) Proponents who deliver written proxy materials to holders of more than 25 percent of a class of the issuer's outstanding securities entitled to vote with respect to the same meeting of security holders will be ineligible to use the provisions of Rule 14a-8 for the inclusion of a proposal in the issuer's proxy materials. In the event the issuer includes a proponent's proposal in its proxy material and the proponent thereafter delivers written proxy materials to the holders of more than 25 percent of a class of the issuer's outstanding securities entitled to vote with respect to such meeting, the issuer shall not be required to include any proposals submitted by that proponent in its proxy soliciting materials for any meeting held in the following two calendar years.

(2) *Notice and Attendance at the Meeting.* At the time he submits a proposal, a proponent shall provide the issuer in writing with his name, address, the number of the issuer's voting securities that he holds of record or beneficially, the dates upon which he acquired such securities, and documentary support for a claim of beneficial ownership. A proposal may be presented at the meeting either by the proponent or his representative who is qualified under state law to present the proposal on the proponent's behalf at the meeting. In the event that the proponent or his representative fails, without good cause, to present the proposal for action at the meeting, the issuer shall not be required to include any proposals submitted by the proponent in its proxy soliciting material for any meeting held in the following two calendar years.

(3) *Timeliness.* The proponent shall submit his proposal sufficiently far in advance of the meeting so that it is received by the issuer within the following time periods:

(i) *Annual Meetings.* A proposal to be presented at an annual meeting shall be received at the issuer's principal executive offices not less than 120 days in advance of the date of the issuer's proxy statement released to security holders in connection with the previous year's annual meeing of security holders, except that if no annual meeting was held in the previous year or the date of the annual meeting has been changed by more than 30 calendar days from the date contemplated at the time of the previous year's proxy statement, a proposal shall be received by the issuer a reasonable time before the solicitation is made.

(ii) *Other Meetings.* A proposal to be presented at any meeting other than an annual meeting specified in paragraph (a)(3)(i) of this section shall be received a reasonable time before the solicitation is made.

Note.—In order to curtail controversy as to the date on which a proposal was received by the issuer, it is suggested that proponents submit their proposals by Certified Mail-Return Receipt Requested.

(4) *Number of Proposals.* The proponent may submit no more than one proposal and an accompanying supporting statement for inclusion in the issuer's proxy materials for a meeting of security holders. If the proponent submits more than one proposal, or if he fails to comply with the 500 word limit mentioned in paragraph (b)(1) of this section, he shall be provided the opportunity to reduce the items submitted by him to the limits required by this rule, within 14 calendar days of notification of such limitations by the issuer.

(b)(1) *Supporting Statement.* The issuer, at the request of the proponent, shall include in its proxy statement a statement of the proponent in support of the proposal, which statement shall not include the name and address of the proponent. A proposal and its supporting statement in the aggregate shall not exceed 500 words. The supporting statement shall be furnished to the issuer at the time that the proposal is furnished, and the issuer shall not be responsible for such statement and the proposal to which it relates.

(b)(2) *Identification of Proponent.* The proxy statement shall also include either the name and address of the proponent and the number of shares of the voting security held by the proponent or a statement that such information will be furnished by the issuer to any person, orally or in writing as requested, promptly upon the receipt of any oral or written request therefor.

(c) The issuer may omit a proposal and any statement in support thereof from its proxy statement and form of proxy under any of the following circumstances:

(1) If the proposal is, under the laws of the issuer's domicile, not a proper subject for action by security holders.

Note.—Whether a proposal is a proper subject for action by security holders will depend on the applicable state law. Under certain states' laws, a proposal that mandates certain action by the issuer's board of directors may not be a proper subject matter for shareholder action, while a proposal recommending or requesting such action of the board may be proper under such state laws.

(2) If the proposal, if implemented, would require the issuer to violate any state law or federal law of the United States, or any law of any foreign jurisdiction to which the issuer is subject, except that this provision shall not apply with respect to any foreign law compliance with which would be violative of any state law or federal law of the United States.

(3) If the proposal or the supporting statement is contrary to any of the Commission's proxy rules and regulations, including Rule 14a-9 [17 CFR 240.14a-9], which prohibits false or misleading statements in proxy soliciting materials;

(4) If the proposal relates to the redress of a personal claim or grievance against the issuer or any other person,

or if it is designed to result in a benefit to the proponent or to further a personal interest, which benefit or interest is not shared with the other security holders at large;

(5) If the proposal relates to operations which account for less than 5 percent of the issuer's total assets at the end of its most recent fiscal year, and for less than 5 percent of its net earnings and gross sales for its most recent fiscal year, and is not otherwise significantly related to the issuer's business;

(6) If the proposal deals with a matter beyond the issuer's power to effectuate;

(7) If the proposal deals with a matter relating to the conduct of the ordinary business operations of the issuer;

(8) If the proposal relates to an election to office;

(9) If the proposal is counter to a proposal to be submitted by the issuer at the meeting;

(10) If the proposal has been rendered moot;

(11) If the proposal is substantially duplicative of a proposal previously submitted to the issuer by another proponent, which proposal will be included in the issuer's proxy material for the meeting;

(12) If the proposal deals with substantially the same subject matter as a prior proposal submitted to security holders in the issuer's proxy statement and form of proxy relating to any annual or special meeting of security holders held within the preceding five calendar years, it may be omitted from the issuer's proxy materials relating to any meeting of security holders held within three calendar years after the latest such previous submission: *Provided, That* (i) If the proposal was submitted at only one meeting during such preceding period, it received less than five percent of the total number of votes cast in regard thereto; or

(ii) If the proposal was submitted at only two meetings during such preceding period, it received at the time of its second submission less than eight percent of the total number of votes cast in regard thereto; or

(iii) If the prior proposal was submitted at three or more meetings during such preceding period, it received at the time of its latest submission less than 10 percent of the total number of votes cast in regard thereto; or

(13) If the proposal relates to specific amounts of cash or stock dividends.

(d) Whenever the issuer asserts, for any reason, that a proposal and any statement in support thereof received from a proponent may properly be omitted from its proxy statement and form of proxy, it shall file with the Commission, not later than 60 days prior to the date the preliminary copies of the proxy statement and form of proxy are filed pursuant to Rule 14a–6(a) [17 CFR 240.14a–6(a)], or such shorter period prior to such date as the Commission or its staff may permit, five copies of the following items: (1) The proposal; (2) any statement in support thereof as received from the proponent; (3) a statement of the reasons why the issuer deems such omission to be proper in the particular case; and (4) where such reasons are based on matters of law, a supporting opinion of counsel. The issuer shall at the same time, if it has not already done so, notify the proponent of its intention to omit the proposal from its proxy statement and form of proxy and shall forward to him a copy of the statement of reasons why the issuer deems the omission of the proposal to be proper and a copy of such supporting opinion of counsel.

(e) If the issuer intends to include in the proxy statement a statement in opposition to a proposal received from a proponent, it shall, not later than 10 calendar days prior to the date the preliminary copies of the proxy statement and form of proxy are filed pursuant to Rule 14a–6(a), or, in the event that the proposal must be revised to be includable, not later than five calendar days after receipt by the issuer of the revised proposal promptly forward to the proponent a copy of the statement in opposition to the proposal. In the event the proponent believes that the statement in opposition contains materially false or misleading statements within the meaning of Rule 14a–9 and the proponent wishes to bring this matter to the attention of the Commission, the proponent promptly should provide the staff with a letter setting forth the reasons for this view and at the same time promptly provide the isssuer with a copy of such letter.

(Secs. 14(a) and 23(a), 48 Stat. 895 and 901; sec. 12(e) and 20(a), 49 Stat. 823 and 833; sec. 20(a) and 38(a), SY Stat. 822 and 841; 15 U.S.C. 78n(a); 78w(a), 79/[e), 794(a), 800.20(a), 80a–37(a))

By the Commission, Commissioner Longstreth dissenting.[1]

George A. Fitzsimmons,

Secretary.

August 16, 1983.

Dissent by Commissioner Longstreth

I respectfully dissent from the adoption of Amendments to Rule 14a–8 under the Securities Exchange Act of 1934 Relating to Proposals by Security Holders.

The responses to our proposing release (Release No. 34–19135 (October 14, 1982)), totaling 397, provide overwhelming support for three major conclusions:

1. Shareholders should continue to be accorded access to management proxy statements under the Securities Exchange Act of 1934.

2. The Securities and Exchange Commission should continue to be actively involved in administering the process by which that access is afforded.

3. The present system for according access to shareholders is strongly preferred to the more radical schemes suggested in the proposing release or any other scheme yet devised.

My dissent from adoption of the proposed amendments rests upon a belief that these amendments, in the aggregate, tilt significantly and unnecessarily against shareholders seeking access to the proxy machinery. The tilt, in my opinion, goes well beyond that which is necessary to deal with recognized abuses. I do not believe the active use of the proxy machinery by shareholders is, of itself, an abuse; therefore, I do not favor changes the effect of which will be to reduce that usage by responsible shareholders.

If we are going to support shareholder access in theory, we should support it in practice as well, and not just for highly sophisticated investors who can afford to develop or retain the skills necessary to master the labyrinth that Rule 14a–8 sets before them.

With minor exceptions, Rule 14a–8 in its present form has been in effect since 1976. The seven year record provides a strong case for continuing the Rule essentially as it is. Indeed, of those commenting, 145 would have us do just that. Moreover, each time we change a rule, we impose on the community of affected businessmen, investors and professionals the cost of having to master the changes.

For the foregoing reasons, I favor retaining Rule 14a–8 in its present form and adjusting our interpretations where necessary to deal with the abuses our staff has identified.

[1] Dissenting opinion of Commissioner Longstreth follows.

[FR Doc. 83–23104 Filed 8–22–83; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM83-75-000; Order No. 324]

Adoption of Corrected Alternative Fuel Price Ceilings for the Month of August 1983

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final Rule with request for comments.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy has notified the Commission that it miscalculated the alternative fuel price ceilings published by it on July 22, 1983 (48 FR 33530). The Federal Energy Regulatory Commission (Commission) issues this final rule to adopt the corrected price ceilings which are applicable to incrementally priced natural gas users. Specifically, § 282.404(a) of the Commission's regulations is amended by adding a new subparagraph (5) to provide that the alternative fuel price ceilings for August 1983, listed in new § 282.404(a)(5), supersede the corresponding state ceilings previously published by the EIA.

DATES: The final rule is effective August 19, 1983. Written comments due September 22, 1983.

Requests for an oral hearing must be received by September 21, 1983. If requested, the oral hearing will be held on September 29, 1983, and announced by September 23, 1983.

ADDRESS: Written comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426 and should reference Docket No. RM83-75-000. If an oral hearing is held, it will be held at the above address.

FOR FURTHER INFORMATION CONTACT:

Barbara K. Christin, Office of the General Counsel, (202) 357-8033

Sandra Delude, Office of Pipeline and Producer Regulation, (202) 357-9183.

SUPPLEMENTARY INFORMATION:

Issued: August 19, 1983.

I. Introduction

The Federal Energy Regulatory Commission (Commission) issues this final rule to correct the alternative fuel price ceilings applicable to incrementally priced natural gas users for the month of August 1983. Specifically, the final rule amends § 282.404(a) by adding subparagraph (5) to provide that the alternative fuel price ceilings for August 1983, listed in new § 282.404(a)(5), supersede the corresponding state ceilings previously published on July 22, 1983, (48 Fed. Reg. 33,530) by the Energy Information Administration (EIA) of the Department of Energy.

II. Background and Discussion

Title II of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301-3432) requires the Commission to prescribe and make effective a program of incremental pricing of natural gas used as industrial boiler fuel. Section 204(e) of the NGPA directs the Commission to establish ceilings on prices charged to incrementally priced users, based on the cost of alternative fuel oils in each region designated by the Commission.

Under the Commission's incremental pricing regulations, ceiling prices for each month are based on the observed price of high-sulfur No. 6 fuel oil in each of the 48 contiguous states. These ceiling prices are published in the **Federal Register** on, or before, the twentieth day of the month preceding their effective date. The collection of data, the calculation of the price ceilings, and the publication of these ceilings are performed by the EIA, in accordance with its statutory responsibilities. (Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Department of Energy Delegation Order No. 0204-3, October 1, 1977).

The EIA has notified the Commission that for the month of August 1983, the alternative fuel price ceilings published on July 22, 1983, were incorrect, due to an error in the data base that was used to compute the lag adjustment factors. Upon learning of the error, the EIA recomputed the alternative fuel price ceilings for all states for the month of August, using the corrected data. Twenty-nine states are affected by this error.

The correct alternative fuel price ceilings for fifteen of the twenty-nine affected states are substantially lower than the published ceilings.[1] In order to ensure that incrementally priced industrial users are not required to pay a price for their natural gas that exceeds the appropriate alternative fuel price ceiling in their region, the Commission is issuing this final rule to provide that the corrected alternative fuel price ceilings for these fifteen states supersede the ceilings that were previously published by the EIA.

The corrected alternative fuel price ceilings for the remaining fourteen states affected by the error are substantially higher than those published by the EIA on July 22, 1983.[2] Incrementally-priced industrial facilities relied on the ceiling prices published in July when making decisions regarding volumes of natural gas or alternative fuels to be purchased in August. It is quite possible that, had the higher ceiling prices been published by the EIA in July, industrials would not have made the same decisions regarding the volumes of natural gas to be purchased in August. For these reasons, the Commission believes that to impose higher ceiling prices for August, at this time, would be inequitable and could impose a financial hardship on some industrial users. Moreover, although such an upward revision may have a significant adverse impact on particular industrial users, it would not have a significant impact on the incremental pricing program.

III. Effective Date

It is essential that the Commission issue this final rule immediately. The incremental pricing program is designed so that final bills for natural gas consumption can be issued each month without subsequent revisions. Once these bills have been calculated for August 1983 and the surcharges flowed through the system, later revisions would result in administrative problems at all levels of the affected supply system. For these reasons, the Commission finds good cause to waive the normal notice and comment procedures as well as the thirty-day publication requirement of the Administrative Procedure Act, 5 U.S.C. 553 (b) and (d). The Commission will, however, afford an opportunity for interested persons to present views and comments, as set forth below.

IV. Comment Procedures

A. Written Comments

Interested persons are invited to submit written comments, data, views, or arguments with respect to this final rule. Comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C.

[1] The published ceiling prices exceed the corrected ceiling prices by: (1) 15 cents per MMBtu for California; (2) 14 cents per MMBtu for Arkansas, Arizona, Louisiana, Nevada, Oregon, Oklahoma, and Washington; (3) 13 cents per MMBtu for Texas; (4) 12 cents per MMBtu for New Mexico; and (5) 11 cents per MMBtu for Colorado, Idaho, Montana, Utah, and Wyoming.

[2] The corrected ceiling prices exceed the published prices by: (1) 14 cents per MMBtu for Illinois, Indiana, Kentucky, Michigan, Ohio, Wisconsin, and West Virginia; and (2) 15 cents per MMBtu for Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

20426 and should reference Docket No. RM83–75–000. An original and 14 copies should be filed by 30 days from publication in the **Federal Register**. All written submissions will be placed in the public file which has been established in this docket and which is available for public inspection through the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during regular business hours.

B. Public Hearing

Interested persons may request the opportunity for an oral presentation of their views at a public hearing. Requests for an oral hearing should be submitted no later than September 21, 1983, to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 and should reference Docket No. RM83–75–000. If a public hearing is held in this docket, it will be held at the above address on September 29, 1983, and will be announced by September 23, 1983.

List of Subjects in 18 CFR Part 282

Intergovernmental relations, Natural gas, Reporting and record keeping regulations, Uniform system of accounts.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301, *et seq.*; Department of Energy Organization Act, 42 U.S.C. 7101, *et seq.*; E.O. 12,009, 3 CFR 142 (1978).)

In consideration of the foregoing, the Commission amends Subpart D of Part 282, Chapter I, Title 18 of the Code of Federal Regulations, as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 282—[AMENDED]

Section 282.404 is amended by adding a new paragraph (a)(5) to read as follows:

§ 282.404 Alternative fuel price ceilings.

(a) * * *

(5) For the month of August 1983, the following state ceilings shall be effective and shall supersede the corresponding state ceilings published on July 22, 1983:

State	Dollars per million Btu's
Arizona	3.67
Arkansas	3.54
California	3.64
Colorado	3.67
Idaho	3.67
Louisiana	3.54
Montana	3.67
Nevada	3.67
New Mexico	3.19
Oklahoma	3.54
Oregon	3.67
Texas	3.35
Utah	3.67
Washington	3.67
Wyoming	3.67

* * * * *

[FR Doc. 83–23181 Filed 8–22–83; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 81F–0179]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Sucrose Fatty Acid Esters

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of sucrose fatty acid esters as emulsifiers, stabilizers, and texturizers in some foods for human consumption. This action responds to a petition filed by the Nebraska Department of Economic Development.

DATES: Effective August 23, 1983; objections by September 22, 1983. The Director of the Federal Register approves the incorporation by reference of certain publications at 21 CFR 172.859 effective on August 23, 1983.

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

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

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 16, 1981 (46 FR 31519), FDA announced that a petition (FAP 1A3564) had been filed by the Nebraska Department of Economic Development, P.O. Box 94666, Lincoln, NE 68509, proposing that the food additive regulations be amended to provide for the safe use of sucrose fatty acid esters as emulsifiers, stabilizers, and texturizers in some foods for human consumption. The types of food are baked goods and baking mixes, biscuit mixes, dairy product analogs, frozen dairy desserts and mixes, and whipped milk products.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additives are safe, and that the regulations should be amended as set forth below.

Among these amendments is a change that will expand the assay method incorporated by reference in § 172.859(b) (1) and (2) (21 CFR 172.859(b) (1) and (2)) to add a methodology for assaying products with differing ratios of mono-, di-, and tri-esters. This new expanded methodology is entitled "Sucrose Fatty Acid Esters, Method of Assay." It includes, in Appendix A, the method previously incorporated by reference in § 172.859(b) (1) and (2) (which was entitled "Determination of Free and Combined Sucrose"). Appendix A includes the process for determining free sucrose. This process is identified as Test S.2 in amended § 172.859(b)(2) but is unchanged from the method previously incorporated by reference.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

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

List of Subjects in 21 CFR Part 172

Food additives, Food preservatives, Incorporation by reference, Spices and flavorings.

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21

U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61), Part 172 is amended in § 172.859 by revising paragraphs (a), (b) (1) and (2), and (c) and by adding new paragraph (b)(9), to read as follows:

§ 172.859 Sucrose fatty acid esters.

* * * * *

(a) Sucrose fatty acid esters are the mono-, di-, and tri-esters of sucrose with fatty acids and are derived from sucrose and edible tallow or hydrogenated edible tallow. The only solvents which may be used in the preparation of sucrose fatty acid esters are those generally recognized as safe in food or regulated for such use by an appropriate section in this part. Ethyl acetate or methyl ethyl ketone may be used in the preparation of sucrose fatty acid esters.

(b) * * *

(1) The total content of mono-, di-, and tri-esters is not less than 80 percent as determined by a method title "Sucrose Fatty Acid Esters, Method of Assay," which is incorporated by reference. Copies are available from the Division of Food and Color Additives, Bureau of Foods (HFF-330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(2) The free sucrose content is not more than 5 percent as determined by Test S.2 in the method titled "Sucrose Fatty Acid Esters, Method of Assay," which is incorporated by reference. The availability of this incorporation by reference is given in paragraph (b)(1) of this section.

* * * * *

(9) The total content of methyl ethyl ketone or of methanol shall not be more than 10 parts per million as determined by a method titled "Methyl Ethyl Ketone Test; Methyl Alcohol Test," which is incorporated by reference. Copies are available from the Division of Food and Color Additives, Bureau of Foods (HFF-330), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

* * * * *

(c) Sucrose fatty acid esters may be used as follows when standards of identity established under section 401 of the Federal Food, Drug, and Cosmetic Act do not preclude such use:

(1) As emulsifiers as defined in § 170.3(o)(8) of this chapter or as stabilizers as defined in § 170.3(o)(28) of this chapter in baked goods and baking mixes as defined in § 170.3(n)(1) of this chapter, in dairy product analogs as defined in § 170.3(n)(10) of this chapter, in frozen dairy desserts and mixes as defined in § 170.3(n)(20) of this chapter, and in whipped milk products.

(2) As texturizers as defined in § 170.3(o)(32) of this chapter in biscuit mixes.

(3) As components of protective coatings applied to fresh apples, bananas, and pears to retard ripening and spoiling.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before September 22, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective August 23, 1983.

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

Dated: August 12, 1983.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 83-23054 Filed 8-22-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 172

[Docket No. 83F-0075]

Food Additives Permitted for Direct Addition to Food for Human Consumption: Sucrose Fatty Acid Esters

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of sucrose fatty acid esters as components of protective coatings on pineapples. This action is being taken in response to a petition filed by TAL Chemicals Co.

DATES: Effective August 23, 1983; objections by September 22, 1983.

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

FOR FURTHER INFORMATION CONTACT: Patricia J. McLaughlin, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of April 8, 1983 (48 FR 15330), FDA announced that a petition (FAP 3A3708) had been filed by TAL Chemicals Co., 24-26 Queens Rd., Reading, Berkshire RG1 4AU, United Kingdom, proposing that the food additive regulations be amended to provide for the safe use of sucrose fatty acid esters as components of protective coatings on pineapples.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed use of the food additives is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the

action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives; Food preservatives; Spices and flavorings.

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61), Part 172 is amended in § 172.859 by revising paragraph (c)(3) to read as follows:

§ 172.859 Sucrose fatty acid esters.

* * * * *

(c) * * *

(3) As components of protective coatings applied to fresh apples, bananas, pears, and pineapples to retard ripening and spoiling.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before September 22, 1983, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective August 23, 1983.

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

Dated: August 10, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-23055 Filed 8-22-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 178

[Docket No. 82F-0247]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of zinc dibutyldithiocarbamate as an antioxidant in certain polypropylene resins. This action responds to a petition filed by Gulf Oil Corp.

DATES: Effective August 23, 1983 objections by September 22, 1983.

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

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

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of August 27, 1982 (47 FR 37959), FDA announced that a petition (FAP 2B3642) had been filed by Gulf Oil Corp., P.O. Box 1166, Pittsburgh, PA 15230, proposing that the food additive regulations be amended to provide for the safe use of zinc dibutyldithiocarbamate as an antioxidant in polypropylene resins.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below. FDA has also added the Chemical Abstracts Service Registry number for this additive.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

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

List of Subjects in 21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61), Part 178 is amended in § 178.2010(b) by inserting the Chemical Abstracts Service Registry number (CAS Reg. No.) for the item "Zinc dibutyldithiocarbamate" and by adding a second use under its limitations. As revised, the item reads as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
*	* * * *
Zinc dibutyldithiocarbamate (CAS Reg. No. 136-23-2).	For use only: 1. At levels not to exceed 0.2 percent by weight of isobutyleneisoprene copolymers complying with § 177.1420 of this chapter: *Provided*, That the finished copolymers contact food only of the types identified in § 176.170(c) of this chapter, table 1, under types V, VII, VIII, and IX. 2. At levels not to exceed 0.02 percent by weight of polypropylene polymers complying with § 177.1520(c), item 1.1 of this chapter.
*	* * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before September 22, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each

numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitue a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective August 23, 1983.

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

Dated: August 8, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-23057 Filed 8-22-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 890

[Docket No. R-83-1036]

Annual Contributions for Operating Subsidy-Performance Funding System

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

ACTION: Final rule.

SUMMARY: This rule adopts as final the interim rule published in the **Federal Register** on December 23, 1982 at 47 FR 57270. The interim rule amended HUD regulations governing the Department's annual operating subsidy contributions to public housing agencies (PHAs) (24 CFR Part 890) to readopt the Rolling Base Period in determining the Allowable Utilities Consumption Level (AUCL) to be used by PHAs in the Performance Funding System calculation of the Utilities Expense Level. Under the Rolling Base, the AUCL is based upon an average of the PHA's actual utility consumption during the previous three years.

This final rule makes no change in the provisions of the interim rule.

EFFECTIVE DATE: October 11, 1983.

FOR FURTHER INFORMATION CONTACT: J. Milton Slifkin, Fiscal Management Division, Office of Public Housing, Room 4216, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 426–1872. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: This rule adopts as final the interim rule published in the **Federal Register** on December 23, 1982 at 47 FR 57270, which amended 24 CFR Part 890 to reinstate the Rolling Base Period for determining the Allowable Utilities Consumption Level (AUCL) used by public housing agencies (PHAs) in the Performance Funding System (PFS) calculation of the Utilities Expense Level.

Background Information

At the inception of the PFS in April 1975, the AUCL was based upon the PHA's actual utility consumption during the immediately preceding 36-months, a period referred to as the Rolling Base Period. In July 1977, the Rolling Base Period was replaced by a Fixed Base Period, which in effect froze the AUCL to one of the 36-month periods ending December 31, 1975, March 31, 1976, June 30, 1976 or September 30, 1976. The consumption of utilities used for space heating was later adjusted by a Change Factor, which was developed to indicate the relationship between the average annual heating degree days for the 30-year period from 1941 through 1970 and the average annual heating degree days for each PHA's Fixed Base Period.

On December 23, 1982, the Department published an interim rule abolishing the Fixed Base Period system and reinstating the three year Rolling Base Period method for computing AUCL, which was originally used for the PFS in 1975.

Response to Public Comments

The interim rule invited public comments for a 60-day period ending February 22, 1983. The Department received four comments.

One comment endorsed the rule as fair to both local PHAs and HUD. Another comment was not relevant to the interim rule because it discussed general issues raised by the PFS rather than specific provisions of the rule.

A third comment requested that HUD modify the interim rule to take into account extremely hot, as well as extremely cold, weather conditions. Noting that current regulations contain an adjustment factor for Heating Degree Days (HDD), the commenter suggested that HUD develop and implement a similar adjustment factor for Cooling Degree Days (CDD). Because, the commenter argued, cooling and heating place comparable demands on energy consumption, and a PHA located in a very hot region can spend as much on cooling as a PHA in a colder climate spends on heating, fairness requires development of a CDD adjustment factor by HUD.

The Department does not agree with this comment for a variety of reasons. First, the application of an adjustment factor to air conditioning involves significant technical problems which are not as extensive in the application of such a factor to heating. Most importantly (in contrast to most PHA heating systems, which are not mixed-use systems), most air conditioning in PHA-owned low-income public housing uses electricity which generally is not metered separately from electricty used for other purposes, such as lighting and cooking. Development of an adjustment factor for a mixed-use system is very difficult, so this technical problem militates against the development of a CDD adjustment factor. Second, at this time, the Department has no data indicating the extent to which a CDD adjustment factor is actually needed to ensure reasonably equity in the distribution of subsidies; nor is there data upon which adjustments could be based. Finally, at the end of each year, PHAs receive financial adjustments based on actual consumption. In a warm year, a PHA will receive reimbursement for half the cost caused by increased consumption, and in a cool year, a PHA will retain half the savings realized through decreased consumption. Since most PHAs in warmer climates have a limited proportion of their units equipped with PHA-supplied air conditioning, this annual adjustment should compensate for the impact of seasonal extremes on the AUCL. For these reasons, HUD has decided not to change this rule to include a CDD adjustment factor.

The fourth comment received suggested that HUD use a five-year rolling base period, rather than a three-year period, to determine the AUCL. The commenter argued that a five-year period would reduce the impact of aberrant weather patterns on overall figures and would give a more accurate picture of weather conditions affecting PHAs.

HUD recognizes that a five-year rolling base period may, on its face, provide a marginal improvement in the accuracy of the figures used to determine the AUCL. However, the Department is unwilling to use a five-year period because most energy conservation improvements made by PHAs will, in all likelihood, be funded with Comprehensive Improvement Assistance Program funds, and increasing the rolling base period to five years would lengthen the time before the full benefit of this Federal investment could be reflected in reduced subsidies. In addition, the rolling base system's year-end adjustment for actual heating degree days should compensate for fluctuations in weather conditions affecting the AUCL, so the three-year base should actually provide almost as accurate a picture of weather conditions as a five-year base period. On these grounds, HUD has decided not to extend the rolling base period.

Accordingly, HUD has decided to adopt, without change, the previously published interim rule.

Findings and Certifications

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

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

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities because the rule will alter only slightly the amount of funds available to PHAs.

This rule is listed as Item H–111–82 under the Office of Housing in the Department's Semiannual Agenda of Regulations published on April 25, 1983 (48 FR 18081), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

(The Catalog of Federal Domestic Assistance program number is 14.146, Public Housing)

Collection of information requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 2502–0125.

List of Subjects in 24 CFR Part 890

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

PART 890—ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY

Accordingly, the interim amendment to 24 CFR Part 890, published and effective on December 23, 1982 (47 FR 57270), is hereby adopted as final without change.

Dated: August 16, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-23177 Filed 8-22-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 7907]

Rate of Interest for Overpayments and Underpayments of Tax

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the rate of interest for overpayments and underpayments of tax. Changes to the applicable tax law were made by the Tax Equity and Fiscal Responsibility Act of 1982. The regulations would provide guidance to taxpayers in determining the interest rate used in computing the amount of interest to be charged on underpayments and allowed on overpayments of tax and for other purposes.

DATES: Except as otherwise provided, the amendments are effective for amounts outstanding or accruing after December 31, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph M. Rosenthal of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3288, not a toll-free call.

Background

This document contains final amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6601, 6621, and 6622 of the Internal Revenue Code of 1954. The amendments reflect the changes made to those sections by sections 344 and 345 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248, 96 Stat. 324, 635). They are to be issued under the authority of section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Semiannual Adjustment of Interest Rate

As amended by the Tax Equity and Fiscal Responsibility Act of 1982, section 6621 provides for semiannual adjustments to the rate of interest charged on underpayments of tax or allowed on credits or refunds. The rate in effect from January 1 to June 30 of any year will be based on the average prime rate quoted by commercial banks to large businesses over the six-month period April–September of the previous year, and the rate in effect from July 1 to December 31 of any year will be based on the average prime rate over the October–March six-month period that begins in the previous year. Using this procedure, the interest rate established under section 6621 shall be 16 percent per annum, effective for amounts outstanding after December 31, 1982. Rev. Rul. 82–182, 1982–44 I.R.B. 9. Under prior law the interest rate under section 6621 was changed once a year on January 1 and was based on the average prime rate for the month of September of the prior calendar year.

Daily Compounding of Interest

Under prior law interest on underpayments and overpayments of tax was not compounded. New section 6622 provides that interest, or any other amount (such as additions to tax) determined by reference to interest is to be compounded daily. However, daily compounding does not apply to the additions to tax under sections 6654 and 6655, relating to underpayments of

estimated tax. Daily compounding of interest and other amounts will begin with interest (and such other amounts) accruing after December 31, 1982.

Compounding of interest means that interest is charged on accrued but unpaid interest. Thus, to compute correctly the amount of compound interest accruing after December 31, 1982, the unpaid interest that has accrued before January 1, 1983 must be taken into account. Accordingly, the regulations provide that the unpaid interest (or other amount) that shall be compounded daily includes the interest (or other amount) accrued but unpaid on December 31, 1982. This rule applies both to the interest (or other amount) to be charged on underpayments and to the interest to be allowed on refunds or credits.

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required. This document is not preceded by a notice of proposed rulemaking. Accordingly, no Regulatory Flexibility Analysis is required.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

Drafting Information

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

Adoption of Amendments to the Regulations

The following amendments are made to 26 CFR Part 301:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. Paragraph (f)(2) of § 301.6601.1 is revised to read as follows:

§ 301.6601-1 Interest on underpayments.

* * * * *

(f) *Applicable rules.* * * *

(2) No interest under section 6601 shall be payable on any interest provided by such section. This paragraph (f)(2) shall not apply after December 31, 1982, with respect to interest accruing after such date, or accrued but unpaid on such date. See § 301.6622-1.

* * * * *

Par. 2. Section 301.6621-1 is revised, and new § 301.6622-1 is added. The revised and added sections read as follows:

§ 301.6621-1 Interest rate.

(a) *In general.* The interest rate established under section 6621 shall be—

(1) On amounts outstanding before July 1, 1975, 6 percent per annum (or 4 percent in the case of certain extensions of time for payment of taxes as provided in sections 6601 (b) and (j) prior to amendment by section 7(b) of the Act of Jan. 3, 1975 (Pub. L. 93-625, 88 Stat. 2115), and certain overpayments of the unrelated business income tax as provided in section 514(b)(3)(D), prior to its amendment by such Act).

(2) On amounts outstanding—

After	And before	Rate per annum (percent)
June 30, 1975	Feb. 1, 1976	9
Jan. 31, 1976	Feb. 1, 1978	7
Jan. 31, 1978	Feb. 1, 1980	6
Jan. 31, 1980	Feb. 1, 1982	12
Jan. 31, 1982	Jan. 1, 1983	20

(3) On amounts outstanding after December 31, 1982, the adjusted rate established by the Commissioner under section 6621(b). This adjusted rate shall be published by the Commissioner in a Revenue Ruling. See § 301.6622-1 for application of daily compounding in determining interest accruing after December 31, 1982. Because interest accruing after December 31, 1982, accrues at the prescribed rate per annum compounded daily, the effective annual percentage rate of interest will exceed the prescribed rate of interest.

(b) [Reserved]

(c) *Applicability of interest rate*—(1) *Computation.* Interest and additions to tax on any amount outstanding on a specific day shall be computed at the annual rate applicable on such day.

(2) *Additions to tax.* Additions to tax under any section of the Code that refers to the annual rate established under this section, including sections 644(a)(2)(B), 4497(c)(2), 6654(a), and 6655 (a) and (g), be computed at the same rate per annum as the interest rate set forth under paragraph (a) of this section.

(3) *Interest.* Interest provided for under any section of the Code that refers to the annual rate established under this section, including sections 47(d)(3)(G), 167(q), 6332(c)(1), 6343(c), 6601(a), 6602, 6611(a), 7426(g), and section 2411(a) of Title 28 of the United States Code, shall be computed at the rate per annum set forth under paragraph (a) of this section.

(d) *Examples.* The provisions of this section may be illustrated by the following examples. Example (6) illustrates the computation of interest for interest accuring after December 31, 1982.

Example (1). A, an individual, files an income tax return for the calendar year 1974 on April 15, 1975, showing a tax due of $1,000. A pays the $1,000 on September 1, 1975. Pursuant to section 6601(a), interest on the underpayment of $1,000 is computed at the rate of 6 percent per annum from April 15, 1975, to June 30, 1975, a total of 76 days. Interest for 63 days, from June 30, 1975, to September 1, 1975, shall be computed at the rate of 9 percent per annum.

Example (2). An executor of an estate is granted, in accordance with section 6161(a)(2)(A), a two-year extension of time for payment of the estate tax shown on the estate tax return, which tax was otherwise due on January 15, 1974. The tax is paid on January 15, 1976. Interest on the underpayemnt shall be computed at the rate of 4 percent per annum from January 15, 1974, to June 30, 1975, and at the rate of 9 percent per annum from June 30, 1975, to January 15, 1976.

Example (3). X, a corporation, files its 1973 corporate income tax return on March 15, 1974, and pays the balance of tax due shown thereon. On August 1, 1975, an assessment of a deficiency is made against X with respect to such tax. The deficiency is paid on October 1, 1975. Interest at the rate of 6 percent per annum is due on the deficiency from March 15, 1974, the due date of the return, to June 30, 1975, and at the rate of 9 percent per annum from June 30, 1975, and at the rate of 9 percent per annum from June 30, 1975, to October 1, 1975.

Example (4). Y, an individual, files an amended individual income tax return on October 1, 1975, for the refund of an overpayment of income tax Y made on April 15, 1975. Interest is allowed on the overpayment to December 1, 1975. Pursuant to section 6611(a), interest is computed at the rate of 6 percent per annum from April 15, 1975, the date of overpayment, to June 30, 1975. Interest from June 30, 1975, to December 1, 1975, shall be computed at the rate of 9 percent per annum.

Example (5). A, an individual, is liable for an addition to tax under section 6654 for the underpayment of estimated tax from April 15, 1975 until January 15, 1976. The addition to tax shall be computed at the annual rate of 6 percent per annum from April 15, 1975, to June 30, 1975, and at the annual rate of 9 percent per annum from June 30, 1975, to January 15, 1976.

Example (6). B, an individual, files an income tax return for calendar year 1980 on April 15, 1981, showing a tax due of $1,000. B pays the $1,000 on March 1, 1983. Under section 6601 (a), interest on the $1,000 underpayment is due from April 15, 1981, to March 1, 1983. Such interest is computed at the rate of 12 percent per annum, simple interest from April 15, 1981, to January 31, 1982, and at the rate of 20 percent per annum, simple interest from January 31, 1982, to December 31, 1982, and at the rate of 16 percent per annum, compounded daily, from December 31, 1982, to March 1, 1983. The total simple interest accrued but unpaid at the end of December 31, 1982, is combined with the $1,000 underpayment for purposes of determining the amount of daily compounded interest to be charged from December 31, 1982, to March 1, 1983.

§ 301.6622-1 Interest compounded daily.

(a) *General rule.* Effective for interest accruing after December 31, 1982, in computing the amount of any interest required to be paid under the Internal Revenue Code of 1954 or sections 1961(c)(1) or 2411 of Title 28, United States Code, by the Commissioner or by the taxpayer, or in computing any other amount determined by reference to such amount of interest, or by reference to the interest rate established under section 6621, such interest or such other amount shall be compounded daily by dividing such rate of interest by 365 (366 in a leap year) and compounding such daily interest rate each day.

(b) *Exception.* Paragraph (a) of this section shall not apply for purposes of determining the amount of any addition to tax under sections 6654 or 6655 (relating to failure to pay estimated income tax).

(c) *Applicability to unpaid amounts on December 31, 1982.*—(1) *In general.* The unpaid interest (or other amount) that shall be compounded daily includes the interest (or other amount) accrued but unpaid on December 31, 1982.

(2) *Illustration.* The provisions of this (c) may be illustrated by the following example.

Example. Individual A files a tax return for calendar year 1981 on April 15, 1982, showing a tax due of $10,000. A pays $10,000 on December 31, 1982, but A does not pay any interest with respect to this underpayment until March 1, 1983, on which date A paid all amounts of interest with respect to the $10,000 underpayment of tax. On December 31, 1982, A's unsatisfied interest liability was $1,424.66 ($10,000 × 20 percent × 260/365 days). Interest, compounded daily, accrues on this unsatisfied interest obligation beginning on January 1, 1983, until March 1, 1983, the date the total interest obligation is satisfied. On March 1, 1983, the total interest obligation is $1,462.62, computed as follows:

Item	Amount
Unpaid tax at December 31, 1982	0
Unpaid interest at December 31, 1982	$1,424.66
Total unsatisfied obligation at December 31, 1982	1,424.66
Interest from December 31, 1982, to March 1, 1983, at 16 percent per year compounded daily	37.96
Total due, March 1, 1983	1,462.62

Because the amendments contained in this Treasury decision relate only to procedural matters and because no additional requirements are imposed on taxpayers, it is found unnecessary to issue it first under the notice and public procedure requirements of section 553(b) of title 5 of the United States Code.

The Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: August 5, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83-23176 Filed 8-22-83; 8:45 am]

BILLING CODE 4830-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule; amendment.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations on certified designated 706 agencies. Publication of this amendment effectuates the designation of the Florida Commission on Human Rights as a certified 706 Agency.

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Hollis Larkins, Equal Employment Opportunity Commission, Office of Program Operations, Special Services Staff, 2401 E Street, N.W., Washington, D.C. 20506, telephone 202/634-6806.

SUPPLEMENTARY INFORMATION: The Commission has determined that the Florida Commission on Human Rights meets the eligibility criteria for certification of a designated 706 agency as established in 29 CFR 1601.75(b). In accordance with 29 CFR 1601.75(c) the Commission hereby amends the list of certified designated 706 agencies to include the Florida Commission. Publication of this amendment to Section 1601.80 effectuates the designation of the following agency as a certified 706 agency: Florida Commission on Human Rights.

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Integovernmental relations.

PART 1601—[AMENDED]

§ 1601.80 [Amended]

Accordingly, 29 CFR Part 1601 is amended in § 1601.80 by adding the "Florida Commission on Human Rights in alphabetical order.

(42 U.S.C. 2000e-12(a))

Signed at Washington, D.C. this 9th day of August, 1983.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 83-22575 Filed 8-22-83; 8:45 am]

BILLING CODE 6570-06-M

29 CFR Part 1601

706 Agencies

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule; amendment.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations designating certain State and local fair employment practices agencies (706 Agencies) so that they may handle employment discrimination charges. Publication of this amendment rescinds the designation of the Augusta-Richmond County (GA) Human Relations Commission as a 706 Agency.

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Hollis Larkins, Equal Employment Opportunity Commission, Office of Program Operations, Special Services Staff, 2401 E Street, N.W., Washington, D.C. 20506, telephone 202/634-6526.

SUPPLEMENTARY INFORMATION: The Commission was notified that the ordinance establishing the Augusta-Richmond County (GA) Human Relations Commission was rescinded. Consequently the Director, Office of Program Operations, believed that the Augusta-Richmond County Commission should not be considered a 706 Agency. In accordance with 29 CFR 1601.71(c) the Director, Office of Program Operations, has given the Commission 15 days in which to respond to the preliminary findings. The Director received the minutes of the Richmond County Board of Commissioners where

they repealed the ordinance establishing the Commission, and established a Richmond County Human Relations Commission. Accordingly the Director hereby makes a final determination that the Augusta-Richmond County (GA) Human Relations Commission should no longer be considered a 706 Agency. Publication of this amendment to § 1601.74 rescinds the designation of the following agency as a designated 706 Agency: Augusta-Richmond County (GA) Human Relations Commission.

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations.

PART 1601—[AMENDED]

§ 1601.74 - [Amended]

Accordingly, title 29 CFR Part 1601 is amended in § 1601.74(a) by removing the entry for the "Augusta-Richmond County (GA) Human Relations Commission."

Signed at Washington, D.C. this 10th day of August, 1983.

For the Commission.

John Schmeizer,

Acting Director, Office of Program Operations

(42 U.S.C. 2000e-12(a))

[FR Doc. 83-23118 Filed 8-22-83; 8:45 am]

BILLING CODE 6570-06-M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Part 905

Post-Employment Conflict of Interest

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Final rule.

SUMMARY: The Pennsylvania Avenue Development Corporation is promulgating regulations to govern post-employment conflicts of interest. These regulations are required by The Ethics in Government Act of 1978.

EFFECTIVE DATE: September 22, 1983.

FOR FURTHER INFORMATION CONTACT: Robert E. McCally, General Counsel, (202) 566-1078, Pennsylvania Avenue Development Corporation, 425 13th St. NW., Suite 1148, Washington, D.C. 20004.

SUPPLEMENTARY INFORMATION: The Ethics in Government Act of 1978 (Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1864) significantly revised the restrictions on activities of former Federal employees found at 18 U.S.C. 207. Pub. L. 96-28 (June 22, 1979, 93 Stat. 76) made further amendments to Section 207. Section 207 now contains four basic prohibitions, which may be summarized as follows: (1) A lifetime ban against any former employee representing anyone other than the United States before any Federal agency or court on a matter in which he or she participated personally and substantially while a Federal employee; (2) a two-year ban against any former employee representing anyone other than the United States before any Federal agency or court on any matter pending under his or her official responsibility during the last year of Federal employment; (3) a two-year ban against former "senior employees" representing or aiding in the representation of anyone other than the United States by personal presence before any Federal agency or court on any matter in which he or she participated personally and substantially while a Federal employee; and (4) a one-year ban against any former "senior employee" making any contact with his or her former agency on behalf of anyone other than the United States on any matter pending before the agency.

Paragraph (j) of 18 U.S.C. 207 requires each agency to establish procedures, in consultation with the Office of Government Ethics, for disciplinary action against a former employee who has violated the substantive provisions of that section. The Office of Personnel Management has issued regulations at 5 CFR Part 737 (45 FR 7204, Feb. 1, 1980) that consist of (1) substantive provisions implementing the prohibitions found at 18 U.S.C. 207, and (2) guidelines for the adoption of regulations by Federal departments and agencies regarding administrative enforcement procedures.

The Corporation is accordingly herein promulgating new regulations at 36 CFR 905.737-101 based on the Office of Personnel Management guidelines.

By this resolution, the Corporation is adopting Subpart F to 36 CFR Part 905. The regulations in this subpart implement the substantive provisions of Title V of the Ethics in Government Act of 1978 (18 U.S.C. 207), and the substantive and procedural provisions of the Office of Personnel Management regulations promulgated pursuant thereto (5 CFR Part 737). These provisions are incorporated in Part 905 so that they will be conveniently located with the other provisions on employee conduct and responsibility found in that Part. The designation "737" is used in the numbering of these sections to indicate that they correspond to Part 737 of the Office of Personnel Management's regulations (5 CFR Part 737). A comprehensive explanation of the regulations at 5 CFR Part 737 may be found at 44 FR 19974, April 3, 1979, and 45 FR 7402, Feb. 1, 1980, where those regulations are published. The following discussion highlights the few differences between the Office of Personnel Management's guidelines at 5 CFR Part 737 and the regulations adopted by the Corporation.

A. *Applicable provision of law.* 36 CFR 905.737-101 is designed to inform employees of the Corporation that they must abide by the restrictions on post-employment activities found at 18 U.S.C. 207 and 5 CFR Part 737, and that violation of these provisions may give rise to administrative sanctions under Section 905.737-102 and criminal sanctions under 18 U.S.C. 207.

B. *Enforcement proceedings.* The Corporation's enforcement proceedings for violations of 18 U.S.C. 207 and 5 CFR Part 737 are set forth in 36 CFR 905.737-102. These provisions follow the guidelines published by the Office of Personnel Management (45 FR 7402, Feb. 1, 1980), although several appropriate changes have been made.

1. *Information regarding possible violations.* Section 905.737-102(b)(1) identifies the Chairman of the Corporation as the contact point for both employees and outside individuals who receive information regarding possible violations of 18 U.S.C. 207 or 5 CFR Part 737. The Chairman shall promptly initiate an investigation upon receipt of such information.

2. *Privacy of a former employee.* In accordance with the suggestion that agencies adopt "procedures to protect the privacy of former employees as to allegations made prior to a determination of sufficient cause to initiate an administrative disciplinary hearing" (5 CFR 737.27(a)(ii)), the Corporation has adopted safeguards to protect an individual subject to an investigation (36 CFR 905.737-102(b)(4)). These provisions ensure that information collected pursuant to the Corporation's investigation of an alleged violation will not be accessible to anyone except those participating in the investigation or hearing. In addition, the Chairman (or a delegate) is authorized to take any steps warranted by the particular circumstances that are necessary to protect the former employee's privacy.

3. *Qualifications of an examiner.* An "examiner" is defined at 36 CFR 905.737-102(d)(1) as "the Chairman, or an individual to whom the Chairman has delegated authority to make an initial decision" in the case. The Office of Personnel Management Guidelines recommend that "appropriate

qualifications" be established for such officials (5 CFR 737.27(a)(4)(ii)). The Corporation requires that an examiner be: (1) An employee of the Corporation; (2) familiar with the relevant provisions of law; and (3) otherwise qualified to carry out an examiner's duties (36 CFR 905.737–102(d)(2)).

An examiner must be familiar with the functions of the Corporation in order to determine whether activities giving rise to a violation have occurred. The requirement that an examiner be an employee of the Corporation has been adopted to ensure that the examiner is familiar with the Corporation's functions.

An examiner will have the responsibility of deciding both questions of law and fact. It is essential, therefore, that an examiner be familiar with the provisions of 18 U.S.C. 207 and 5 CFR Part 737 as a prerequisite to serving in that capacity.

The Chairman is authorized to appoint as examiner an individual who meets the above qualifications and who is also "otherwise qualified to carry out the duties of that position." This last criterion gives the Chairman discretion to select an individual who has the character traits necessary to carry out the responsibilities of an examiner.

4. *Final decisions.* The Corporation has modified slightly the format of the Office of Personnel Management Guidelines (5 CFR 737.27) with regard to the provisions for initial and final decisions, in order to clarify when a determination is final. Section 905.737–102 provides that a final decision may be entered in four circumstances: (1) When the Chairman (or a delegate) conducts a hearing and issues a final written determination subsequent to the initial decision of an examiner; (2) when the Chairman (or a delegate) conducts a hearing and issues a final written determination in a case where the initial hearing procedure has not been used; (3) when a former employee has received the required notice of an alleged violation and fails to request a hearing; and (4) when an appeal from an adverse initial decision is not taken within the prescribed thirty-day period.

5. *Time period for appeal.* The Office of Personnel Management guidelines (5 CFR 737.27(a)(8)(ii)) authorize each agency to set a reasonable period for appeal of an initial decision by the examiner. The Corporation has adopted a thirty-day rule which is the same as the rule of 28 U.S.C. 2107 regarding appeal of a final decision of a district court and the rule of 18 U.S.C. 3731 regarding the appeal of a decision in a criminal case by the United States.

6. *Judicial review.* The provision at 36 CFR 905.737–102(j)), relating to judicial review of a determination that a violation has occurred, varies only slightly from the provision in the Office of Personnel Management guidelines (5 CFR 737.27(a)(10)) in order to make clear that judicial review lies in a United States District Court as provided at 18 U.S.C. 207(j).

The Corporation has determined that observance of the notice and comment procedures described at 5 U.S.C. 553(b) is unnecessary because this resolution concerns a matter relating to agency personnel and management and is, thus, excepted under 5 U.S.C. 553(a).

Statement of Significance

The Corporation has determined that, since it relates to agency personnel, this rule is not a major rule and does not require a regulatory impact analysis under Executive Order 12291, "Federal Regulations." [46 FR 13193, February 19, 1981.] It will not result in any of the effects described in Section 1(b) of the Executive Order. In addition, the Chairman of the Corporation's Board of Directors has determined, and hereby certifies, that this rule will not have a significant economic impact on a substantial number of small entities and does not require a regulatory flexibility analysis under the Regulatory Flexibility Act [Pub. L. 96–354, September 19, 1980, 5 U.S.C. 603, 604 and 605]

List of Subjects in 36 CFR Part 905

Standards of conduct, Ethics, Former employees, post-termination employment restrictions.

Subpart F to 36 CFR Part 905 is added to read as follows:

PART 905—STANDARDS OF CONDUCT

Subpart F—Conduct and Responsibilities of Former Employees—Enforcement

Sec.
905.737–101 Applicable provisions of law.
905.737–102 Enforcement proceedings.

Authority: 18 U.S.C. 207(j); section 6(5), Pub. L. 92–578, 86 Stat. 1270 (40 U.S.C. 875)(5).

Subpart F—Conduct and Responsibilities of Former Employees—Enforcement

§ 905.737–101 Applicable provisions of law.

Former employees of the Corporation must abide by the provisions of 18 U.S.C. 207 and 5 CFR 737.1—737.25, which bar certain acts by former Government employees that may reasonably give the appearance of making unfair use of prior Government employment and affiliations. Violation of those provisions will give rise to Corporation enforcement proceedings as provided in § 905.737–102, and may also result in criminal sanctions, as provided in 18 U.S.C. 207.

§ 905.737–102 Enforcement proceedings.

(a) *Delegation.* The Chairman of the Corporation may delegate his or her authority under this Subpart.

(b) *Initiation of disciplinary hearing.* (1) Information regarding a possible violation of 18 U.S.C. 207 or 5 CFR Part 737 should be communicated to the Chairman. The Chairman shall promptly initiate an investigation to determine whether there is reasonable cause to believe that a violation has occurred.

(2) On receipt of information regarding a possible violation of 18 U.S.C. 207, and after determining that such information appears substantiated, the Chairman of the Corporation shall expeditiously provide such information, along with any comments or regulations of the Corporation, to the Director of the Office of Government Ethics and to the Criminal Division, Department of Justice. The Corporation shall coordinate any investigation with the Department of Justice to avoid prejudicing criminal proceedings, unless the Department of Justice communicates to the Corporation that it does not intend to initiate criminal prosecution.

(3) Whenever the Corporation has determined after appropriate review, that there is reasonable cause to believe that a former employee has violated 18 U.S.C. 207 or 5 CFR Part 737, it shall initiate a disciplinary proceeding by providing the former employee with notice as defined in paragraph (c) of this section.

(4) At each stage of any investigation or proceeding under this section, the Chairman shall take whatever steps are necessary to protect the privacy of the former employee. Only those individuals participating in an investigation or hearing shall have access to information collected by the Corporation pursuant to its investigation of the alleged violation.

(c) *Adequate notice.* (1) The Corporation shall provide the former employee with adequate notice of its intention to institute a proceeding and an opportunity for a hearing.

(2) Notice to the former employee must include:

(i) A statement of the allegations (and the basis thereof) sufficiently detailed to enable the former employee to prepare an adequate defense;

(ii) Notification of the right to a hearing;

(iii) An explanation of the method by which a hearing may be requested; and

(iv) Notification that if a hearing is not requested within thirty days of receipt of notice, the Corporation will issue a final decision finding the alleged violations to have occurred.

(3) Failure to request a hearing within thirty days of the receipt of notice will be deemed an admission of the allegations contained in the notice and will entitle the Corporation to issue a final decision finding the alleged violations to have occurred.

(d) *Presiding official.* (1) The presiding official at proceedings under this Subpart shall be the Chairman, or an individual to whom the Chairman has delegated authority to make an initial decision (hereinafter referred to as "examiner").

(2) An examiner shall be an employee of the Corporation who is familiar with the relevant provisions of law and who is otherwise qualified to carry out the duties of that position. He or she shall be impartial. No individual who has participated in any manner in the decision to initiate the proceedings may serve as an examiner.

(e) *Time, date and place.* (1) The hearing shall be conducted at a reasonable time, date, and place.

(2) On setting a hearing date, the presiding official shall give due regard to the former employee's need for:

(i) Adequate time to prepare a defense properly; and

(ii) An expeditious resolution of allegations that may be damaging to his or her reputation.

(f) *Hearing rights.* A hearing shall include the following rights:

(1) To represent oneself or to be represented by counsel;

(2) To introduce and examine witnesses and to submit physical evidence;

(3) To confront and cross-examine adverse witnesses;

(4) To present oral argument; and

(5) To receive a transcript or recording of the proceedings, on request.

(g) *Burden of proof.* In any hearing under this subpart, the Corporation has the burden of proof and must establish substantial evidence of a violation.

(h) *Hearing decision.* (1) The presiding official shall make a determination exclusively on matters of record in the proceeding, and shall set forth in the decision all findings of fact and conclusions of law relevant to the matters at issue. If the hearing is conducted by the Chairman, the resulting written determination shall be an initial decision.

(2) Within thirty days of the date of an initial decision, either party may appeal the decision to the Chairman. The Chairman shall base his or her decision on such appeal solely on the record of the proceedings on those portions thereof cited by the parties to limit the issues.

(3) If the Chairman modifies or reverses the initial decision, he or she shall specify such findings of fact and conclusions of law as are different from those of the examiner.

(4) If no appeal is taken from an initial decision within thirty days, the initial decision shall become a final decision.

(i) *Sanctions.* The Chairman shall take appropriate action in the case of any individual who is found to be in violation of 18 U.S.C. 207 or 5 CFR Part 737 after a final decision by:

(1) Prohibiting the individual from making, on behalf of any other person except the United States, any formal or informal appearance before, or, with the intent to influence, any oral or written communication to, the Corporation on any matter of business for a period not to exceed five years, which may be accomplished by directing employees of the Corporation to refuse to participate in any such appearance or to accept any such communication; or

(2) Taking other appropriate disciplinary action.

(j) *Judicial review.* Any person found by the Corporation to have participated in a violation of 18 U.S.C. 207 or 5 CFR Part 737 may seek judicial review of the determination in an appropriate United States District Court.

Dated: April 23, 1983.

Henry A. Berliner, Jr.,

Chairman.

[FR Doc. 83-23082 Filed 8-22-83; 8:45 am]

BILLING CODE 7630-01-M

POSTAL SERVICE

39 CFR Part 111

Additional Entry Application for Second-Class Publications

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This change amends postal regulations to require publishers to give 30 days' notice before mailing any second-class publications at an additional entry post office, so that postal officials can plan for the work load. Currently, only requester publications are required to give such advance notice.

EFFECTIVE DATE: September 22, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Young (202) 245-4512.

SUPPLEMENTARY INFORMATION: On April 11, 1983, the Postal Service published for comment in the **Federal Register** a proposed amendment to section 422.1 of the Domestic Mail Manual as described above (48 FR 15492). Interested persons were invited to submit written comments concerning the proposed amendment by May 11, 1983. The Postal Service received 18 written and one telephone comment.

Three comments favored the proposal without change. They saw no problems in complying with the proposal since the requirements of the rule appeared reasonable, and since they have been providing advance notice all along on a voluntary basis. One said the rule helped to standardize and simplify expectations under postal regulations.

Ten comments favor or had no objection to the proposal if a provision would be included permitting waiver of the 30 day notice requirement in exceptional circumstances. The Postal Service has always worked with publishers on a common-sense basis to authorize entries by telephone or other short notice when necessitated by strikes, floods, etc. While the matter is not specifically addressed in the final rule, the Postal Service will continue this practice. We prefer not to codify a formal exception which might invite laxity in complying with the rule. But in emergencies, such as unexpected closing of plants, weather-related problems, and equipment failure, publishers may contact the Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260-5200, telephone (202) 245-4512, to discuss the situation. The Postal Service is interested in working with its customers to handle any emergency problems.

Six comments were not in favor of the proposal, essentially for the same reason that others wanted a waiver provision, although these felt the rule was so broad and inflexible that it represented an unnecessary regulation that benefited neither the Postal Service nor the publisher. They felt that voluntary notification on a common-sense case-by-case basis, as in the past, is preferable to a standard notice requirement which might not be needed in particular circumstances.

The Postal Service considers it essential as a general matter that local postal authorities be able to count on advance notice so that the advance planning necessary for good service can be done. Time is often necessary to contract for transportation, adjust transportation schedules, schedule work forces, and ensure that entry offices are

capable of handling and distributing the number of copies of the publication deposited with them. One of the six commenters pointed out that a typical post office would not have to add transportation or adjust its work force for mailings of only 500 or 700 pieces. There is some merit to this point. Nevertheless, it is true that many changes in additional entries are for publications having large circulations, which can pose a significant coordination problem for the Postal Service. Then too, even comparatively small circulation publications can pose a problem if they unexpectedly shift their mailings to a small post office having minimal transportation and distribution capabilities. The Postal Service also considers it highly desirable for reasons of internal efficiency and for understandability to have simple regulations which can be applied to all publications in a uniform manner. An attempt to develop more complex procedures which would vary according to the size of post offices and the volume of mail being entered does not seem to be warranted.

For the above reasons, and after careful consideration of all the comments, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Federal Register. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 442—ADDITIONAL ENTRY APPLICATIONS

Revise 442.1 to read as follows:

442.1 Application Procedure.

If an additional entry point is desired, a Form 3510, Application for Additional Entry or Reentry of Second-Class Publication, must be filed by the publisher at the original entry post office. A separate application must be filed for each office of additional entry desired. A publisher may apply concurrently for entry at an original entry office and additional office. Two copies of the most recent issue of the publication must accompany the application. These must be marked to show the advertising content as described in 483. Publishers must file an application for additional entry 30 days before mailing at the proposed additional entry office. Postage for mailings presented during the 30-day period must be paid at the First-, third, or fourth-class postage rates.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the Federal Register as provided by 39 CFR 111.3.

(39 U.S.C. 401, 403, 3685)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-23100 Filed 8-22-83; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket No. VT 1245; A-1-FRL 2419-8]

Approval and Promulgation of Implementation Plans; Vermont Particulate Matter; Cersosimo Lumber Company

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is today approving a State Implementation Plan revision submitted by the State of Vermont. This revision brings the wood-fired boiler at the Cersosimo Lumber Company, Brattleboro, under Vermont's Regulation 5-231(3)(b)(i) for wood-fired combustion sources of particulate matter. The intent of Regulation 5-231(3)(b)(i) is to regulate wood-fired sources of particulate matter separately from fossil fuel-fired sources of particulate matter.

EFFECTIVE DATE: This action will be effective October 24, 1983 unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2312, JFK Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2312, JFK Federal Bldg., Boston, MA 02203; Pubic Information Reference Unit, Environmental Protection Agency, 401 M St., SW., Washington, D.C.; Office of the Federal Register, 1100 L St., N.W., Room 8401, Washington, D.C. and the Vermont Agency of Environmental Conservation, State Office Building, Montpelier, VT 05602.

FOR FURTHER INFORMATION CONTACT: Stephen S. Perkins (617) 223-0437.

SUPPLEMENTARY INFORMATION: On March 23, 1983 the Secretary of the Vermont Agency of Environmental Conservation (the Vermont Agency) submitted a revision to the Vermont State Implementation Plan (SIP). The revision brings the wood-fired boiler at the Cersosimo Lumber Company (the Company) under Vermont's regulation for wood-fired sources of particulate matter. Up until this time, the wood-fired boiler has been regulated as a fossil fuel-fired source.

Background

On March 27, 1979 Vermont submitted a SIP revision to regulate wood-fired combustion sources of particulate matter separately from fossil fuel-fired combustion sources. Prior to this time, allowable emissions were a function of heat input to the fuel burning equipment. Because of the high variability of both the physical and chemical properties of wood and the methods of wood-firing, the determination of heat input is a technically burdensome exercise. To remedy this situation, Vermont Regulation 5-231(3)(b) expresses the emission limitations as concentrations of particulate matter in the flue gas. Since the new regulation only affects the way the Vermont Agency regulates wood-fired sources, no increase in actual emissions resulted from this change in the regulation. However, the wood-fired regulation did increase allowable emissions. EPA determined that the submission was technically deficient because it did not include a demonstration that no violations of the National Ambient Air Quality Standards (NAAQS) for total suspended particulate matter (TSP) would result from the revision.

On February 12, 1982 Vermont submitted supplementary technical information for the revision, but excluded three wood-fired sources, including the Company. These sources were excluded because adequate technical support had not been completed. Vermont agreed to submit source specific SIP revisions for each source when the technical support was complete. On April 16, 1982 (47 FR 16331) EPA published its approval of Regulation 5-231(3)(b) for all but the three sources.

New Technical Support

EPA has now received technical support demonstrating that the NAAQS for TSP will not be violated if the Company is regulated under the wood-fired combustion source regulation. This technical support, included in the SIP revision submitted on March 23, 1983 and supplemented by EPA analyses, consists of air quality modeling of the Company's wood-fired boiler. The technical support also demonstrates that

this revision will not interfere with the attainment or maintenance of the NAAQS in any other state.

Actual increases in particulate matter emissions, resulting from relaxations of emission limits, must also show compliance with Prevention of Significant Deterioration (PSD) increments if the increase occurs in or impacts on an area in which a baseline date has been established.[1] The TSP baseline has not been triggered anywhere in Vermont or adjacent portions of New Hampshire. Thus, a PSD analysis was not required.

EPA has reviewed the new technical support and has determined that the modeling procedures are correct and approvable. For more details on EPA's review, see the technical support document available at the locations listed in the **ADDRESSES** section of this notice.

Public Participation

The Company was included in the public notice and hearing when Vermont revised Regulation 5–231(3) back in 1978. Since then there has been no change in the manner in which Vermont proposed to regulate the Company. Thus the earlier public participation process was judged adequate and not repeated.

Final Action

EPA is approving this SIP revision to bring the wood-fired boiler at the Cersosimo Lumber Company under Vermont Regulation 5–231(3)(b)(i) for wood-fired combustion sources of particulate matter.

Since EPA views this SIP revision as noncontroversial, we are taking this action without prior proposal. This action will be effective October 24, 1983. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, we will withdraw this action and publish a new rulemaking proposing the action and establishing a comment period.

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

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (Insert date 60 days after publication in the **Federal Register**). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Inter-governmental relations.

Authority: Sec. 110(a) and 301(a), Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

Note.—Incorporation by reference of the State Implementation Plan for the State of Vermont was approved by the Director of the **Federal Register** on July 1, 1982.

Dated: August 17, 1983.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart UU—Vermont

1. Section 52.2370, paragraph (c) is amended by adding paragraph (17) as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(17) A revision to approve Regulation 5–231 (3)(b) for Cersosimo Lumber Company submitted on March 23, 1983 by the Secretary of the Vermont Agency of Environmental Conservation. (Note: The Cersosimo Lumber Company was excluded from the original approval of Regulation 5–231(3)(b) into the Vermont SIP indentified at subparagraph (c)(16) above.)

[FR Doc. 83-23067 Filed 8-22-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[Docket No. 107PA-13; A-3-FRL 2418-7]

Air Programs; Approval of Redesignation of Attainment Status for the State of Pennsylvania

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: States are required for purposes of planning to attain and maintain air quality standards to designate the air quality status of all areas. The States' original air quality designations were promulgated by EPA in the **Federal Register** of March 3, 1978 (43 FR 8962). States have requested revisions in these original designations from time to time as appropriate. EPA is today approving changes Pennsylvania requested in the total suspended particulate (TSP) designations of several areas. EPA is approving the redesignation of the City of Williamsport from secondary nonattainment to attainment and of several boroughs and townships from unclassified to attainment. EPA has found these redesignations to be justified by recent air quality data.

EFFECTIVE DATE: This action will be effective October 24, 1983 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of Pennsylvania's request for redesignations and associated support materials are available for inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Air Programs and Energy Branch, Sixth & Walnut Street, Philadelphia, PA. 19106

Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA. 17120

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen at the EPA Region III address above, or telephone (215) 597–8187.

SUPPLEMENTARY INFORMATION:

I. Background

Section 107(d)(1) of the Clean Air Act (Act) requires the States to submit to the Administrator a list identifying all air quality control areas, or portions thereof, that have not attained the National Ambient Air Quality Standards. The Act further requires that the Administrator promulgate this list, with such modifications as he deems necessary, as required by Section 107(d)(2) of the Act. On March 3, 1978, the Administrator promulgated nonattainment designations for Pennsylvania with respect to total suspended particulates (TSP), sulfur dioxide (SO_2), carbon monoxide (CO), ozone (O_3), and oxides of nitrogen (NO_x) (43 FR 8962) (1978)). The Administrator subsequently promulgated revisions to these designations at 43 FR 40513, September 12, 1978; 45 FR 9264, February 12, 1980; 45 FR 19555, March 26, 1980; 45 FR 72159, October 31, 1980; 46 FR 51612, October 21, 1981; 47 FR 21793, May 20, 1982; and 48 FR 2770, January 21, 1983. II. PA Request for TSP Redesignations

Pennsylvania submitted recommended TSP designations for the

[1] The PSD increments are allowable increases in ambient pollutant concentrations which were established to limit the degradation of clean air areas. A baseline date is the date after August 7, 1977, on which the first PSD permit application in that area was filed with EPA by a source subject to the PSD regulations as amended on August 7, 1980 (40 FR 52676).

entire State except for Philadelphia and Allegheny Counties to EPA on February 26, 1982. These recommended TSP designations included revised TSP designations affecting ten air basins or portions thereof and several non-air basin areas. EPA approved most of these redesignations in the **Federal Register** on January 21, 1983 (48 FR 2770). EPA did not act on several minor redesignation requests in that notice. EPA is today acting on these requests.

The redesignation requests addressed include requests for the redesignation of several areas in Lycoming County and of two townships in Montgomery County. In Lycoming County, Pennsylvania's requested redesignations include changes in the designations of the City of Williamsport from secondary nonattainment to attainment, and of the surrounding townships of Armstrong, Susquehanna, Woodward, Old Lycoming, and Loyalsock, and boroughs of South Williamsport, Duboistown, and Montoursville from unclassifiable to attainment. In Montgomery County, Pennsylvania's requested redesignations include changes in the designations of West Pottsgrove and Upper Pottsgrove Townships from unclassifiable to attainment.

III. EPA Review

EPA has reviewed Pennsylvania's requested redesignations to determine if they meet the requirements of Section 107 of the Act. The criteria and policy guidelines governing these revisions and the Administrator's review of them are the same that were used in the original designation process. These criteria and guidelines are discussed in the **Federal Registers** of March 3, 1978 (43 FR 8962), September 11, 1978 (43 FR 40412), September 12, 1978 (43 FR 40502), and in a memorandum from Sheldon Meyers to EPA Regional Office Division Directors (Section 107 Designation Policy Summary, April 21, 1983). EPA has determined that Pennsylvania's requested redesignations for the Lycoming County areas are consistent with these requirements and are justified by 12 quarters of recent air quality modeling and or monitoring data, as well as implemented control measures from the 1979 SIP. However, the redesignations for Montgomery County are not supported by sufficient air quality monitoring data and, therefore, EPA will take no actions on these redesignations at this time.

IV. Conclusion

EPA is today approving Pennsylvania's requests for the redesignations described above. This approval is given without prior proposal. The public is advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days from today that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

As a result of EPA's decision to approve these redesignations, 40 CFR Part 81, 81.339 is being amended as shown below.

V. General Notice

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (insert date 60 days from today). This action may not be challenged later in proceedings to enforce its requirements (See Section 307(b)(2)).

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

Under 5 U.S.C. 605(b), I certify that redesignations do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

VI. List of Subjects in 40 CFR Part 81

Air Pollution Control, National Parks, Wilderness Areas, Intergovernmental Relations.

Dated: August 12, 1983.

William D. Ruckelshaus,

Administrator.

Authority: Secs. 107(d), 171(2), and 301(a), Clean Air Action as amended (42 U.S.C. 7407(d), 7501(2), 7602(a)).

PART 81—[AMENDED]

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Section 81.339 is amended by revising entry (c), under item IV in its entirety.

Subpart C—Section 107 Attainment Status Designations

* * * * *

§81.339 Pennsylvania

* * * * *

PENNSYLVANIA—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
I. * * *				
II. * * *				
III. * * *				
IV. Central Pa. Intrastate AQCR				
(A) * * *				
(B) * * *				
(C) Remaining Portions of AQCR				X.
V. * * *				
VI. * * *				

* * * * * * *

[FR Doc. 83-22834 Filed 8-22-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 145

[OW-FRL-2406-7]

North Dakota Oil and Gas Division, Underground Injection Control; Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Approval of State Program.

SUMMARY: The State of North Dakota has submitted an application under Section 1425 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) program governing Class II oil and natural gas related injection wells. After careful

review of the application and comments received from the public, the Agency has determined that the State's injection well program for Class II wells meets the requirements of Section 1425 of the Act. Therefore, this application covering Class II injections is approved.

EFFECTIVE DATE: This approval is effective August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Patrick A. Crotty, Chief, Colorado/North Dakota/Wyoming Section, Drinking Water Branch, U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. PH: (303) 837–2731. Copies of the responsiveness summary are available from the above address.

SUPPLEMENTARY INFORMATION: Part C of the Safe Drinking Water Act (SDWA) provides for an Underground Injection Control (UIC) program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State programs to prevent underground injection which endangers drinking water sources. The Administrator is also to list in the **Federal Register** each State for which in his judgment a State UIC program may be necessary. Each State listed shall submit to the Administrator an appliction which contains a showing satisfactory to the Administrator that the State: (i) has adopted after reasonable notice and public hearings, a UIC program which meets the requirements of regulations in effect under Section 1421 of the SDWA; and (ii) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. After reasonable opportunity for public comment, the Administrator shall by rule approve, disapprove or approve in part and disapprove in part, the State's UIC program.

The SDWA was amended on December 5, 1980, to include Section 1425, which establishes an alternative method by which a State may obtain primary enforcement responsibility for those portions of its UIC program related to the recovery and production of oil and natural gas (Class II wells). Specifically, instead of meeting the Federal Regulations (40 CFR Parts 124, 144, and 145) and related Technical Criteria and Standards (40 CFR 146), a State may demonstrate that its program meets the more general statutory requirements of Section 1421(b)(1) (A) through (D) and represents an effective program to prevent endangerment of underground sources of drinking water.

The State of North Dakota was listed as needing a UIC program on June 19, 1979 (44 FR 32588). The State submitted an application under Section 1425 on July 19, 1982, for the approval of a UIC program governing Class II injection wells to be administered by the North Dakota Oil and Gas Division (NDOGD). EPA published notice on August 12, 1982 of its receipt of the application, requested public comments, and scheduled a public hearing on the UIC program submitted by the NDOGD (47 FR 35533). A public hearing was held on September 14, 1982, in Bismark, North Dakota. After careful review of the application and comments received from the public, I have determined that the North Dakota UIC program submitted by the NDOGD for Class II injection wells meets the requirements of Section 1425 of the SDWA, and hereby approve it.

In this application, North Dakota chose not to assert jurisdiction over Indian lands or reservations for purposes of its Class II UIC program. Therefore, the Environmental Protection Agency will, at a future date, prescribe a UIC program governing injection wells on any Indian lands or reservations in North Dakota.

North Dakota has submitted for approval as part of its Class II program the exemption of a portion of the Dakota-Lakota aquifer. Under the Federal UIC program a State may exempt an aquifer or its portion when it is not currently being used as a source of drinking water and will not in the future be used as a source of drinking water because it meets one of several criteria set out in the UIC regulations at 40 CFR 146.04. An aquifer that meets these standards and is designated as exempt is deemed not to be an underground source of drinking water and, therefore, is not required to be protected from injection activities.

EPA is publishing this approval effective immediately so that North Dakota can begin issuing UIC permits for Class II injection wells under the UIC program.

List of Subjects in 40 CFR Part 145

Indians—lands, Reporting and recordkeeping requirements, Intergovernmental relations, Penalties, Confidential business information, Water supply.

OMB Review

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under Section 1425 of the Safe Drinking Water Act of the application by the North Dakota Oil and Gas Division will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Dated: August 17, 1983.

William D. Ruckelshaus,

Administrator.

[FR Doc. 83-23069 Filed 8-22-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 145

[OW-FRL-2406-6]

Ohio Department of Natural Resources Underground Injection Control; Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Approval of State Program.

SUMMARY: The State of Ohio has submitted an application under Section 1425 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) program governing Class II oil and natural gas related injection wells. After careful review of the application and comments received from the public, the Agency has determined that the State's injection well program for Class II wells meets the requirements of Section 1425 of the Act. Therefore, this application covering Class II injections is approved.

EFFECTIVE DATE: This approval is effective September 22, 1983.

FOR FURTHER INFORMATION CONTACT: Karen Theisen, Ground Water Section (5WD–26), Environmental Protection Agency, Region V, 230 Dearborn Street, Chicago, Illinois 60604, (312) 886–6194. Copies of the responsiveness summary are available from the above address.

SUPPLEMENTARY INFORMATION: Part C of the Safe Drinking Water Act (SDWA) provides for an Underground Injection Control (UIC) program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State programs to prevent underground injection which endangers drinking water sources. The Administrator is also to list in the **Federal Register** each State for which in his judgment a State UIC program may be necessary. Each State listed shall

submit to the Administrator an application which contains a showing satisfactory to the Administrator that the State: (i) has adopted after reasonable notice and public hearings, a UIC program which meets the requirements of regulations in effect under Section 1421 of the SDWA; and (ii) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. After reasonable opportunity for public comment, the Administrator shall by rule approve, disapprove or approve in part and disapprove in part, the State UIC program.

The SDWA was amended on December 5, 1980, to include Section 1425, which establishes an alternative method by which a State may obtain primary enforcement responsibility for those portions of its UIC program related to the recovery and production of oil and natural gas (Class II wells). Specifically, instead of meeting the Federal Regulations (40 CFR Parts 124, 144, and 145) and related Technical Criteria and Standards (40 CFR Part 146), a State may demonstrate that its program meets the more general statutory requirements of Section 1421(b)(1) (A) through (D) and represents an effective program to prevent endangerment of underground sources of drinking water.

The State of Ohio was listed as needing a UIC program on September 25, 1978 (43 *FR* 43420). The State submitted an application under Section 1425 on December 1, 1982, for the approval of a UIC program governing Class II injection wells to be administered by the Ohio Department of Natural Resources (ODNR). EPA published notice on February 14, 1983, of its receipt of the application, requested public comments, and scheduled a public hearing on the UIC program submitted by the ODNR (48 FR 6564). A public hearing was held on March 28, 1983, in Columbus, Ohio. After careful review of the application and comments received from the public, I have determined that the Ohio UIC program submitted by the ODNR for Class II injection wells meets the requirements of Section 1425 of the SDWA, and hereby approve it.

List of Subjects in 40 CFR Part 145

Indians—lands, Reporting and recordkeeping requirements, Intergovernmental relations, Penalties, Confidential business information, Water supply.

OMB Review

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under Section 1425 of the Safe Drinking Water Act of the application by the Ohio Department of Natural Resources will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Dated: August 17, 1983.

William D. Ruckelshaus,

Administrator.

[FR Doc. 83-23068 Filed 8-22-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management,

43 CFR Public Land Order 6452

[N-19972]

Nevada; Termination of Segregation on Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order terminates all segregation on 2,520 acres of public land withdrawn for sale to Mineral County, Nevada. This action will restore the lands to surface entry, mining location, and mineral leasing.

EFFECTIVE DATE: September 21, 1983.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702-784-5703.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Pub. L. 95-265, 92 Stat. 203, it is ordered as follows:

1. Due to expiration of Pub. L 95-265, all segregation is hereby terminated on the following described lands:

Mount Diablo Meridian

T. 8 N., R. 29 E.,
Sec. 25, E½E½, NW¼NE¼.
T. 7 N., R. 30 E.,
Secs. 21, 27 and 35, those portions lying west of Nevada State Highway 31;
Sec. 28, E½NW¼, NW¼, and those portions of the NE¼ and the N½S¼ lying west of Nevada State Highway 31;
Sec. 34, E½NW¼, N½SE¼, and those portions of the NE¼ lying southwest of Nevada State Highway 31.
T. 8 N., R. 30 E.,
Sec. 26, and that portion of the NW¼SW¼ lying north of Nevada State Highway 95;
Sec. 29, all;
Sec. 30, all.

The areas described aggregate approximately 2,520 acres in Mineral County. The remaining 80 acres were purchased by Mineral County.

2. At 9 a.m. on September 21, 1983, the lands described above will be opened to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on September 21, 1983, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

3. At 9 a.m. on September 21, 1983, the lands described above will be opened to location under the United States mining laws and to applications and offers under the mineral leasing laws. Appropriation of lands under the general mining laws prior to the date and time of restoration in unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Inquiries concerning the lands should be addressed to the District Manager, Bureau of Land Management, 1050 E. William Street, Carson City, Nevada 89701.

August 16, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-23078 Filed 8-22-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6453

[E-010082]

Alaska; Partial Revocation of Public Land Order No. 1205, As Amended; Classification of Lands for Conveyance to Cook Inlet Region, Inc.

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes Public Land Order No. 1205, as

amended, and classifies 1,630 acres of land for conveyance to Cook Inlet Region, Inc., under the Alaska Native Claims Settlement Act.

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT:

John J. Rumps, Bureau of Land Management, Washington, D.C. 20240, (202) 343-6486
or
Robert W. Faithful, IV, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior, by Section 17(d)(1) of the Alaska Native Claims Settlement Act (ANCSA), 85 Stat. 688, 708 (43 U.S.C. 1616(d)(1)), and pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751 (43 U.S.C. 1714), it is ordered as follows:

1. Public Land Order No. 1205 of August 10, 1955, as amended, which withdrew lands for use of the Department of the Air Force for military purposes, is hereby revoked in part, as to the lands described below:

Fairbanks Meridian

T. 1S., R. 4 E. (partially surveyed)
Sec. 8, all portions lying south of the Chena River;
Sec. 9, E½, all portions lying south of the Chena River; E½E½E½W½, all portions lying south of the Chena River;
Sec. 16, E½, E½E½E½W½;
Sec. 17, W½ that portion lying south of the Chena River, W½W½E½, W½E½W½E½, E½E½SW¼SE¼, E½SE¼NW¼SE¼, S½NE¼SE¼, SE¼SE¼;
Sec. 20, N½;
Sec. 21, NE¼, E½E½E½NW¼.

Containing approximately 1,630 acres.

2. Subject to valid existing rights, the lands are classified as suitable for conveyance to Cook Inlet Region, Inc., in accordance with paragraph 1.C.(2) of the "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area," as clarified August 31, 1976, and Section 12(b)(6) of the Act of January 2, 1976 (89 Stat. 1151).

3. Under Public Land Order Nos. 5186 and 5187, the lands remain withdrawn from all forms of appropriation under the public land laws, including selection by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Chapter 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. 181-287.

4. Prior to any conveyance of the lands, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181-287, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

August 16, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-23086 Filed 8-22-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6454

[C-17322, C-19376, C-27334]

Colorado; Partial Revocation of Executive Order of April 17, 1926, Public Water Reserve No. 107

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes the Public Water Reserve No. 107 withdrawal insofar as it was construed by various Bureau of Land Management orders to affect 120 acres of public land. This action will permit the acreage to be clearlisted to the State under the State indemnity selection program. The lands will be open to surface entry and nonmetalliferous mining. They have been and remain open to metalliferous mining and mineral leasing.

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, Colorado State Office, 303-837-2535.

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

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Bureau of Land Management Orders dated November 15, 1972; October 9, 1973; and September 1, 1978, is hereby revoked insofar as it affects the following described lands:

Sixth Principal Meridian

T. 1 N., R. 80 W.,
Sec. 9, NW¼NE¼.
T. 48 N., R. 17 W.,
Sec. 24, NE¼NE¼;
Sec. 25, SE¼NW¼.

The areas described contain 120 acres in Grand and Montrose Counties.

2. Effective immediately, subject to valid existing rights, the lands shall be available for selection by the State of Colorado in satisfaction of its State Indemnity Lieu Selection rights.

3. At 10 a.m. on September 21, 1983, the lands shall be open to operation of the public land laws generally, other than State Indemnity selections, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on September 21, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. At 10 a.m. on September 21, 1983, the lands shall be open to nonmetalliferous mineral location under the United States mining laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determination in local courts.

The lands have been and remain open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning these lands shall be directed to the State Director, Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

August 16, 1983.

[FR Doc. 83-23079 Filed 8-22-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 19

[FCC 83-323]

Financial Interests of Commissioners and Employees of the Commission in Entities Regulated by the Commission

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document establishes new rules regarding permissible financial interests of Federal Communications Commission employees. This action is taken to

implement the provisions of Section 102 of the Communications Amendments Act of 1982. That legislation removes an almost absolute bar against employees having any financial interest in companies engaged in the business of telecommunications and permits the ownership of financial interests in entities that are only indirectly related to the Commission's jurisdiction.

EFFECTIVE DATE: These rules become effective August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Randy Thomas, Office of General Counsel, Federal Communications Commission, Washington, D.C. (202) 632-6990.

List of Subjects

47 CFR Part 0

Organization and functions (Government agencies).

47 CFR Part 19

Conflict of interests.

Memorandum Opinion and Order

In the matter of amendment of part 19 of the Commission's rules relating to financial interests of commissioners and employees of the Commission in entities regulated by the Commission.

Adopted: July 12, 1983.
Released: August 15, 1983.

1. The Communications Amendments Act of 1982 amended Section 4(b) of the Communications Act of 1934 to remove an almost absolute bar that had prevailed against Commissioners and employees of the Commission from having any financial interest in companies, firms or other entities engaged in the broadly defined business of telecommunications.[1] The Rules adopted herein implement the revised Section 4(b) of the Communications Act, as amended, and generally track the accompanying legislative history.[2]

2. The congressional intent underlying the revision of Section 4(b) was to improve upon the integrity of the regulatory process by assuring that members of the Commission and those in its employ will not have conflicts of interest of any meaningful consequence, while at the same time not precluding the ownership of financial interests in entities that are only indirectly related to the Commission's jurisdiction.

3. Section 4(b), as amended, now allows a broader measure of latitude in the choice of personal investments that a Commissioner or employee may make. This is not to say, however, that all restrictions have been removed. In general, Commissioners and employees of the Commission are still prohibited from owning stocks, bonds or other securities or ownership interests in any entity having a *significant interest* in communications, manufacturing or sales activities subject to Commission regulation. *See* Section 4(b)(2)(A), as amended, 47 U.S.C. 154(b)(2)(A).

4. Section 4(b)(3) sets forth guidelines for the Commission to apply in determining whether a "significant interest" exists between the entity in question and the regulated activities listed above. These guidelines include the revenues, investments, and profits of the communications side of the entity; the extent to which a particular entity is regulated by the Commission; the economic impact on the entity resulting from any Commission action; and the public perception regarding the business activities of such entity. These guidelines have been incorporated into § 19.735-204 of the Commission's Rules being adopted herein. The Managing Director, in consultation with the Genreal Counsel, shall be responsible for making "significant interest" determinations.

5. If an employee holds a financial interest in any entity with a significant interest in communications activities, the interests may not necessarily be proscribed. New Section 4(b)(2)(B)(i), contemplates financial interests that are "minimal" by granting the Commission discretion to waive the ownership prohibitions. This waiver authority does not apply to the financial interests of Commissioners but only to those of Commission employees. Moreover, in considering waivers, the Commission is directed to adhere to the provisions of 18 U.S.C. 208 which provide that an employee may not participate in any matter in which the employee has a finanical interest. Thus, an employee with a "minimal" financial interest in any entity having a *significant interest* in regulated activities may be granted a waiver of the Section 4(b) ownership prohibitions only if, in the first instance, the strictures of 18 U.S.C. 208 do not preclude the waiver.[3] The Managing Director, in consultation with the General Counsel, will be responsible for exercising this waiver authority. Moreover, to enhance consistency and fairness in application, the Managing Director and General Counsel will endeavor to develop waiver guidelines after sufficient experience is acquired in the application of this provision.

6. Any exercise of this waiver authority by the Commission must be accompained by publication of such action in the **Federal Register** and notification to both the Senate and House Authorization Committees. *See* Section 4(b)(2)(B)(ii), *as amended*, 47 U.S.C. 154(b)(2)(B)(ii). It is anticipated that this waiver authority will be exercised sparingly. Conference Report, *supra* n. 2 at 25.

Conclusion

7. In light of the enactment of the amendments to Section 4(b), the Commission finds it to be in the public interest to amend its rules to reflect these changes. Becaue the rule changes adopted herein apply to internal matters involving employee responsibilities, conduct, and intergrity, and because immediate implementation is necessary to comply with congressional intent, adherence to the prior public notice and comment procedures and effective date provisions of Sections 553(b) and (d) of the Administrative Procedure Act (5 U.S.C. 553) is unnesessary.

8. Accordingly, it is ordered, under the authority contained in Section 4(i) of the Communications Act of 1934, as amended (47 U.S.C. 154(i)), that Parts 0 and 19 of the Commission's Rules are amended as set forth in the attached appendix effective upon the date of publication of this action in the **Federal Register.**

9. It is further ordered, in accordance with Office of Personnel Management and Commission regulations, that the Rules adopted herein by forwarded to the Office of Personnel Management for approval, and upon approval [4] the Rules shall be published in the **Federal Register.** 5 CFR 735.104(c); 47 CFR 19.735-104(b).

10. It is further ordered, that General Docket No. 80-330 (Notice of Proposed Rule making to Amend Part 19 Financial Interest Rules) be terminated as moot in view of the recent amendments to Section 4(b) of the Act. 47 U.S.C. 154(b).

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

[1] Communications Amendment Act of 1982, Public Law No. 97-259, § 102, enacted Sept. 13, 1982. *See* 47 U.S.C. 154(b), as amended.

[2] Conference Report to accompany H.R. 3239, dated Aug. 19, 1982; H.R. Rep. No. 765, 97th Cong., 2d Sess. 24-25 (1982).

[3] For instance, it may be appropriate to exercise this waiver authority and thereby permit an employee in the Office of the Secretary to own a small number of shares of a communications common carrier which were bequeathed to him. In this situation, the employee did not seek out the ownership interest, the financial interest appears *de minimis* and the employee is not in a position to participate in a decisional capacity in any matter which may affect the carrier.

[4] **Note.**—The Rules set forth herein were approved by the Office of Personnel Management on July 27, 1983.

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix

Parts 0 and 19 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

PART 0—[AMENDED]

1. In § 0.231, paragraph (e) is added to read as follows:

§ 0.231 Authority delegated.

* * * * *

(e) The Managing Director, or his designee, in consultation with the General Counsel, is delegated authority to make determinations regarding and waive the applicability of Section 4(b) of the Communications Act (47 U.S.C. 154(b)) and the Federal conflicts of interest statutes (18 U.S.C. 203, 205 and 208).

* * * * *

PART 19—[AMENDED]

2. In § 19.735–204, paragraph (c) is revised to read as follows:

§ 19.735–204 Financial interest.

* * * * *

(c)(1) Section 4(b) of the Communications Act provides in pertinent part as follows:

No member of the Commission or person employed by the Commission shall—

(i) be financially interested in any company or other entity engaged in the manufacture or sale of telecommunications equipment which is subject to regulation by the Commission;

(ii) be financially interested in any company or other entity engaged in the business of communication by wire or radio or in the use of the electromagnetic spectrum;

(iii) be financially interested in any company or other entity which controls any company or other entity specified in clause (i) or clause (ii), or which derives a significant portion of its total income from ownership of stocks, bonds, or other securities of any such company or other entity; or

(iv) be employed by, hold any official relation to, or own any stocks, bonds, or other securities of, any person significantly regulated by the Commission under this act;

except that the prohibitions established in this subparagraph shall apply only to financial interests in any company or other entity which has a significant interest in communications, manufacturing, or sales activities which are subject to regulation by the Commission. * * *

(47 U.S.C. 154(b)(2)(A))

(2) To determine whether an entity has a significant interest in communications related activities that are subject to Commission regulations, the Commission shall consider, without excluding other relevant factors, the Section 4(b)(3) criteria. These criteria include:

(i) The revenues and efforts directed toward the telecommunications aspect of the business;

(ii) The extent of Commission regulation over the entity involved;

(iii) The potential economic impact of any Commission action on that particular entity; and

(iv) The public perception regarding the business activities of the company.

(*See* 47 U.S.C. 154(b)(3))

(3) Section 4(b)(2)(B)(i)–(ii) of the Act permits the Commission to waive the conflict of interest provisions for employees (but not Commissioners) if it is determined that the financial interests are minimal. The Act's waiver provision, which is subject to 18 U.S.C. 208, provides essentially as follows:

(i) The Commission shall have authority to waive, from time to time, the application of the prohibitions established in subparagraph (A) of Section 4(b) to persons employed by the Commission if the Commission determines that the financial interests of a person which are involved in a particular case are minimal, except that such waiver authority shall be subject to the provisions of Section 208 of title 18, United States Code. The waiver authority established in this subparagraph shall not apply with respect to members of the Commission.

(ii) In any case in which the Commission exercises the waiver authority established in Section 4(b), the Commission shall publish notice of such action in the **Federal Register** and shall furnish notice of such action to the appropriate committees of each House of the Congress. Each such notice shall include information regarding the identity of the of the person receiving the waiver, the position held by such person, and the nature of the financial interests which are the subject of the waiver.

* * * * *

§ 19.735–204 [Amended]

3. In § 19.735–204, paragraph (e)(2)(ii) is removed.

4. In § 19.735–306, paragraph (a) is revised to read as follows:

§ 19.735–306 Miscellaneous statutory provisions.

(a) Section 4(b) of the Communications Act which is reprinted in pertinent part in § 19.735–204(c)(1) in this part.

* * * * *

§ 19.735–306 [Amended]

5. In § 19.735–306, paragraph (c)(2) is removed.

6. Section 19–735–412 is revised to read as follows:

§ 19.735–412 Procedure for obtaining waivers of the applicability of Section 4(b) of the Communications Act and the Federal conflicts of interest statutes.

(a) Waiver of Section 4(b) of the Communications Act

(47 U.S.C. 154(b))

(1) As indicated in § 19.735–204 of this chapter, no member of the Commission or person in its employ shall have any financial interest delineated in 47 U.S.C. 154(b)(2)(A), except that the Commission may waive this prohibition under specific circumstances. (*See* § 19.735–204 (c)(3))

(2) Requests for waiver of the provisions of 47 U.S.C. § 154(b)(2)(A) may be submitted by an employee to the Head of the Office or Bureau, who will endorse the request with an appropriate recommendation and forward the request to the Managing Director. The Managing Director, in consultation with the General Counsel, has delegated authority to waive the applicability of Section 4(b) of the Communications Act (47 U.S.C. 154(b)).

(*See* 47 CFR 0.231(e))

(3) All requests for waiver shall be in writing and in the required detail. The dollar value of the financial interest sought to be waived shall be expressed explicitly or in categories of value provided for in OPM's government ethics regulations.

(*See* 5 CFR 734.304)

(4) Before any waiver is granted, the General Counsel shall be furnished a copy of all relevent documents and shall be afforded an opportunity to comment thereon.

(5) Copies of all waiver requests and the action taken thereon shall be maintained in the Office of Managing Director.

(b) Waiver of Sections 203, 205 and 208 of the criminal code (18 U.S.C. 203, 205 and 208):

(1) As indicated in § 19.735–204 of this chapter, no employee of the Commission may, except in the discharge of his or her official duties, represent anyone before a court or Government agency in a matter in which the United States is a party or has an interest. (18 U.S.C. 203 and 205). Nor may an employee participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment has a financial interest. (18 U.S.C. 208). These prohibitions may,

however, be waived in certain circumstances.

(18 U.S.C. 205, 208(b))

(2) Requests for waiver of the applicability of the above Federal conflicts of interest statutes may be submitted as follows:

(i) In the case of employees generally, to the Head of the Office or Bureau to which the employee is assigned;

(ii) In the case of Heads of Offices and Bureaus, to the Chairman; and

(iii) In the case of employees in the immediate offices of a Commissioner, to the Commissioner.

(3) All waiver requests shall be in writing and in the required detail. Before any waiver is granted, the General Counsel shall be furnished a copy of all relevent documents and shall be afforded an opportunity to comment thereon.

(4) Commissioners may grant waivers to employees of their immediate offices.

(5) The Managing Director, in consultation with the general Counsel, has delegated authority to waive the applicability of the conflicts of interest statutes of all other employees. The official to whom the waiver request is submitted will endorse it with an appropriate recommendation and forward it to the Managing Director for approval.

(*See* 47 CFR 0.231(e))

(6) Copies of all requests for waivers and the action taken thereon shall be maintained in the Office of Managing Director.

(7) An employee who deems him or herself disqualified from participating in any matter pending before the Commission and who does not request a waiver shall file a statement of disqualification and nonparticipation with the Head of the Bureau or Office to which assigned and with the Managing Director.

[FR Doc. 83-23102 Filed 8-22-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-122; RM-4277]

FM Broadcast Stations in Elkton, Virginia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 252A to Elkton, Virginia, in response to a petition filed by Robert J. Lacey. The assigned channel could provide a first FM assignment to that community.

DATE: Effective: October 17, 1983

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

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

List of Subjects in 47 CFR Part 73
Radio broadcasting

Report and Order (Proceeding Terminated)

In the matter of Amendment of § 73.202(b), table of assignments, FM Broadcast Stations. (Elkton, Virginia), MM Docket No. 83-122 RM-4277.

Adopted: August 11, 1983.
Released: August 17, 1983.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 48 F.R. 11473, published March 18, 1983, filed by Robert J. Lacey ("petitioner"), proposing the assignment of Channel 252A to Elkton, Virginia, as that community's first FM assignment. Petitioner submitted information in support of the *Notice* and, as requested, expressed his intention to apply for the channel, if assigned. The channel can be assigned consistent with the minimum distance separation requirements.

2. As stated in the *Notice*, any applicant for a station in Elkton, Virginia, must coordinate with the National Radio Observatory at Green Bank, West Virginia, and the Naval Research Laboratory at Sugar Grove, West Virginia, for approval of a transmitter location within the "Quiet Zone." See § 73.1030 of the Commission's Rules.

3. In view of the fact that the proposed assignment could provide a first FM service to Elkton, Virginia, the Commission believes that it is appropriate to amend the FM Table of Assignments. Accordingly, pursuant to authority contained in §§ 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective October 17, 1983, the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) IS AMENDED as follows for the community listed below:

City	Channel No.
Elkton, Virginia	252A

4. It Is Further ordered, That this proceeding is terminated.

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

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

[FR Doc. 83-23105 Filed 8-22-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

[Docket No. 30815-165]

Atlantic Surf Clam and Ocean Quahog Fisheries; Area Opening

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

ACTION: Notice of area opening.

SUMMARY: NOAA issues this notice terminating certain restrictive management measures that were imposed when an area was reopened to surf clam fishing offshore of Atlantic City, New Jersey, on October 3, 1982, since the criteria for terminating the special management measures have been met. This previously restricted fishing area is thereby incorporated into the general fishery.

EFFECTIVE DATE: October 9, 1983.

FOR FURTHER INFORMATION CONTACT: Bruce Nicholls, Surf Clam Management Coordinator, National Marine Fisheries Service, Northeast Region, State Fish Pier, Gloucester, Massachusetts 01930; telephone 617-281-3600.

SUPPLEMENTARY INFORMATION: Section 652.23(b)(1) provides for the closure of areas to surf clam fishing if they are found to contain predominantly small surf clams. On December 21, 1980, an area offshore of Atlantic City, New Jersey, was closed under that provision (46 FR 1740). Section 652.23(b)(2) establishes the conditions under which closed areas may be reopened. A portion of the Atlantic City closed area was reopened under special management measures on October 3, 1982, because the conditions were met for the area (September 1, 1982; 47 FR 38544). Section 652.23(b)(3) contains provisions for controlling the harvest of surf clams from areas that are reopened. That section provides that "The Secretary will control the harvest of surf

clams from reopened areas separate from the management of the general fishery until the catch per unit of effort in the reopened area is comparable to the average catch per unit of effort in the general fishery, at which time the reopened area will become part of the general fishery."

The area reopened on October 3, 1982, is triangular and is delineated by straight lines connecting the following coordinates in the order listed:

Latitude	Longitude
39°12.40' N.	74°22.30' W.
39°19.33' N.	74°22.37' W.
39°18.35' N.	74°13.60' W.
39°17.60' N.	74°14.30' W.
39°12.40' N.	74°22.30' W.

Analysis of the logbook records for June of 1983 submitted by surf clam fishermen shows that the average catch per unit of effort on the days when fishing was allowed in the reopened area was 54 bushels per hour. The average catch per unit of effort from the general surf clam fishery during the same period was 56 bushels per hour. The catch per unit of effort in the reopened area is thus comparable to the average catch per unit of effort in the general fishery. The Regional Director has therefore determined that the reopened area should become part of the general fishery.

The special management measures for the reopened area published in the notice of reopening (47 FR 38544) included a reduced fishing day in the area, a repeating cycle of allowable fishing days in the area, a requirement for vessel operators to inform the Regional Director of their intention to fish in the area, a prohibition on changing surf clam fishing times during reopening cycles, a limitation on trips, and a prohibition on use of make-up periods in the reopened area. These measures are terminated effective October 9, 1983. After that date, fishing for surf clams in the area will only be subject to the provisions applying to the general surf clam fishery.

This action is taken under the authority of 50 CFR Part 652, and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 652

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

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

Dated: August 18, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-23113 Filed 8-22-83; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 661

[Docket No. 30817-167]

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

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

ACTION: Rule-related notice; inseason adjustment.

SUMMARY: The Secretary of Commerce issues this notice to increase the commercial troll fishery coho salmon quota for the area from Cape Falcon, Oregon, to Heceta Head, Oregon, from 254,000 to 333,000 coho in two stages and to increase the recreational fishery coho salmon quota for the area from Cape Falcon to the U.S.-Mexico Border from 196,000 fish to 211,000 fish. This action is based upon an inseason assessment of the private hatchery coho salmon contribution to the ocean fishery catch, and includes a carryover adjustment in the commercial coho quota of about 22,000 from the July fishery in the area from Heceta Head to the Oregon-California border. The effect of this action is to make available an additional 79,000 coho salmon to the commercial troll fishery and an additional 15,000 coho salmon to the recreational fishery.

EFFECTIVE DATE: Increase of the coho salmon quotas is effective August 18, 1983 and will remain in effect until the quotas are reached or the seasons are concluded, whichever comes first.

ADDRESSES: Send comments to H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, Washington 98115.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, 206-527-6150.

SUPPLEMENTARY INFORMATION: Emergency regulations to manage the ocean commercial and recreational salmon fisheries off the coasts of Washington, Oregon, and California were published in the **Federal Register** (48 FR 21135) on May 11, 1983. These emergency regulations were effective on May 23, 1983, for a 90-day period and will be extended through November 19, 1983.

The emergency regulations specify at § 661.22(b) that during the season the Regional Director will review the estimated contributions of private hatchery coho to the ocean commercial and recreational catches. If the contribution of private hatchery coho varies from the preseason estimates, the Secretary of Commerce may modify the coho quotas by publishing a notice in the **Federal Register.**

A review of the estimated contribution of private hatchery coho to the total ocean harvest of coho salmon revealed that the preseason forecast underestimated the contribution by a total of 72,000 coho (57,000 for the troll fishery and 15,000 for the recreational fishery), for the area south of Cape Falcon, Oregon. An assessment by the Oregon Department of Fish and Wildlife (ODFW) of coded wire tag returns of private hatchery coho in the ocean fishery catch indicated that the coho salmon quota for the commercial fishery from Cape Falcon, Oregon, to Heceta Head, Oregon, should be increased from 276,000 fish to 333,000 fish and the coho salmon quota for the recreational fishery from Cape Falcon to the U.S.-Mexico Border should be adjusted upward from 196,000 fish to 211,000 fish. The 276,000 troll quota before adjustment included the initial 254,000 provided for in the regulations plus a carryover of about 22,000 coho from the quota for the July fishery from Heceta Head to the Oregon-California border. Further minor adjustments in this carryover may be necessary as the season progresses depending on reports of additional landings from the July fishery. ODFW's analysis indicated that adjustments for private hatchery contributions were unnecessary for coho quotas north of Cape Falcon or for the troll coho quota south of the Oregon-California border.

This notice affects only those seasons and quotas specified here. The Oregon Department of Fish and Wildlife, the Washington Department of Fisheries, and the Pacific Fishery Management Council have been consulted regarding this adjustment of the coho salmon quotas.

As provided under § 661.22(e) of the emergency regulations, all the information and data relevant to this action have been complied in aggregate form and are available for public review at the above address from 7:30 a.m. to 4:30 p.m.

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

List of Subjects in 50 CFR Part 661

Fish, Fisheries, Fishing, Indians.

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

Dated: August 17, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-23077 Filed 8-18-83; 1:48 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 164
Tuesday, August 23, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 83-NE-22]

Proposed Designation of Lincoln, Maine, 700-Foot Transition Area

AGENCY: Federal Aviation Administration (FAA), Dot.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes the designation of a 700-foot transition area at Lincoln, Maine. A new very high frequency omnirange station/distance measuring equipment VOR/DME-A instrument approach has been developed and a 700-foot transition area is required to contain instrument flight rule (IFR) arrival and departure procedures.

DATE: Submit comments on or before September 22, 1983.

ADDRESSES: Send comments to the Federal Aviation Administration, Office of the Regional Counsel, ANE-7, Attention: Rule Docket Clerk, Docket No. 83-NE-22.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT: David Hurley, Operations, Procedures and Airspace Branch, ANE-530, Federal Aviation Administration Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; Telephone (617) 273-7285.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking process by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the New England Region, Attention: Chief, Operations, Procedures and Airspace Branch, ANE-530, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before September 30, 1983, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in 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.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation administration, office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8085. Communications must identify the number of this NPRM.

Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a 700-foot transition area at Lincoln, Maine. This amendment is necessary due to a new VOR/DME-A instrument approach developed at Lincoln Regional Airport, Lincoln, Maine.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Section 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by designating a 700-foot transition area at Lincoln, Maine, which will be described as follows:

Lincoln, Maine

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 45°21'42"N., long. 68°32'07"W., of Lincoln Regional Airport, Lincoln, Maine and within 4.5 miles each side of the Millinocket VORTAC 184° radial extending from the 7-mile radius area to .5 miles south of the VORTAC, excluding that portion which overlies the Millinocket, Maine, transition area.

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

Note.—The FAA has determined that this proposed 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 celrtified 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); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) if promulgated will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Burlington, Massachusetts, on August 10, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83-23034 Filed 8-22-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-ASW-32]

Proposed Alteration of Transition Area and Control Zone: Laredo, TX

AGENCY: Federal Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to alter the transition area and control zone at Laredo, TX. The intended effect of the proposed action is to provide adequate controlled airspace for aircraft executing standard instrument approach procedures (SIAP's) to the Laredo International Airport. This action is necessry at Laredo, TX, since a review of the designated airspace revealed that airspace is inadquate for the protection of aircraft and is improperly described.

DATES: Comments must be received on or before September 26, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Manager,

Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

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

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subparts G 71.181 and F 71.171, as republished in Advisory Circular AC 70-3A dated January 3, 1983, contains the description of transition areas and control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area and control zone at Laredo, TX, will necessitate an amendment to these subparts. This amendment will be required at Laredo, TX, since a review of the transition area and control zone revealed the transition area for Runway 17 is inadequate and since the IFR procedure to the Killam Hurd and Laredo Auxiliary Airports have been canceled, eliminating the requirement for designated airspace at these two airports.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83-ASW-32." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 877-2630. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

§ 71.171 [Amended]

Laredo, TX Revised

Within a 5-mile radius of the Laredo International Airport (latitude 27°32'40" N., longitude 99°27'40" W.), that airspace within Mexico being excluded. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

§ 71.181 [Amended]

Laredo, TX Revised

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Laredo International Airport (latitude 27°32'40" N., longitude 99°27'40" W.); and within 5 miles each side of a 003° bearing of the airport, extending from the 8.5-mile radius area to 15 miles north; and within 5 miles each side of the Laredo VORTAC 141° and 328° radials, extending from the 8.5-mile radius area to 10 miles southeast and 20 miles northwest of the VORTAC. That airspace within Mexico is excluded.

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

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

Issued in Fort Worth, TX, on August 8, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc 83-23115 Filed 8-22-83; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9152]

The Gillette Co.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require a leading manufacturer of razor blades, razors, toiletries and grooming aids, among other things, to make alternative advertising allowances available to customers that compete in the resale of Gillette products but do not regularly advertise in newspapers. The order would also require the company to notify all its customers, as specified, of its advertising and promotional programs, and of the availability of usable and feasible alternatives. Such alternatives shall consist of handbills and circulars in amounts not less than 1,000; off-shelf, end-of-aisle or dump displays; window or wall posters and other in-store promotional activities acceptable to the company. Further, the company would be required to distribute a special written notice informing customers of the change in its promotional programs and provide sales personnel with a copy of the order.

DATE: Comments must be received on or before October 24, 1983.

ADDRESS: Comments should be directed to: FTC/S, Office of the Secretary, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/CS–1, Karen G. Bokat, Washington, D.C. 20580, (202) 724–1679.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days, public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Advertising, Grooming aids, Trade practices.

In the matter of The Gillette Co., a corporation. Docket No. 9152.

Agreement Containing Consent Order To Cease and Desist

The agreement herein, by and between The Gillette Company ("Gillette"), a corporation, hereafter sometimes referred to as respondent, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rule governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Gillette is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with an office and its principal place of business located at Prudential Tower Building, Boston, Massachusetts 02199.

2. Gillette has been served with a copy of the Complaint issued by the Federal Trade Commission on February 19, 1981, charging it, *inter alia*, with violation of Section 5 of the Federal Trade Commission Act and Section 2 of the Clayton Act, and has filed an answer to said complaint denying said charges.

3. Gillette admits all the jurisdictional facts set forth in the Commission's complaint in this proceeding.

4. Gillette waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this Agreement; and

(d) Any claim under the Equal Access to Justice Act.

5. This Agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this Agreement is accepted by the Commission it will be placed on the record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this Agreement and so notify Gillette, in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding.

6. This Agreement is for settlement purposes only, is entered into without trial or final adjudication of any issued of fact or law herein and without the taking of any evidence or testimony, and does not constitute any evidence or any admission by Gillette that the law has been violated as alleged in the Complaint.

7. This Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 3.25(f) of the Commission's Rules, the Commission may without further notice to Gillette, (1) issue its decision containing the following Order to cease and desist in disposition of the proceeding; and (2) make information public in respect thereto. When so entered, the Order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other Orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to Order to Gillette's address as stated in this Agreement shall constitute service. Gillette waives any right it may have to any other manner of service. The Complaint may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in the Order or in this Agreement may be used to vary or to contradict the terms of the Order.

8. Gillette has read the Complaint and the Order contemplated hereby. It understands that, once the Order has been issued, it will be required to file one or more compliance reports setting forth the manner in which it intends to comply, is complying, and/or has complied with the Order. Gillette further understands that it may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

Order

I

A. It is ordered that respondent, The Gillette Company, a corporation, its successors and assigns, and its officers, directors, agents, representatives and employees, directly or indirectly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, or distribution of razor blades, razors, toiletries or cosmetic grooming aids sold or offered for sale by respondent (hereinafter referred to as "Respondent's Covered Products") in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, or the Clayton Act, as amended, shall cease and desist from paying or contracting to pay to or for the benefit of any customer anything of value as compensation or in consideration for newspaper advertising or promotional services or facilities furnished by or through such customer in connection with the handling, sale or offering for sale of any of Respondent's Covered Products unless:

(1) Respondent makes such compensation or consideration available on proportionally equal terms for alternative services or facilities that are usable and economically feasible for all customers who compete in the distribution or resale of Respondent's Covered Products and who do not regularly advertise in newspapers or for whom any newspaper advertising or promotional program or plan subject to paragraph I A of this Order is not usable or economically feasible, which services or facilities shall consist of: handbills and circulars in amounts not less than 1,000; off-shelf, end-of-aisle or dump displays; window or wall posters; store banners or shelf talkers; or other in-store promotional activities acceptable to respondent; and

(2) Respondent (i) imprints on the smallest shipping container used for Respondent's Covered Products the legend "Advertising, promotional, and display allowances are periodically made available by Gillette to all retailers. To obtain information about these promotional opportunities contact your supplier or write to: The Gillette Company [Safety Razor Division, Sales Promotion Department—P.O. Box 2131, Boston, Massachusetts 02106]. [Personal

Care Division, Sales Promotion Department, 101 Huntington Avenue, Boston, Massachusetts 02199]"; and (ii) for each promotion causes copies of "deal sheets" or similar materials explaining the availability of alternative methods of participation in respondent's advertising or promotional program or plan to be supplied to its wholesalers or distributors in sufficient quantity for presentation or delivery by such wholesalers or distributors to each customer or such wholesaler or distributor.

B. Provided, however, that nothing herein contained shall be construed or interpreted to abridge or otherwise restrict respondent's entitlement to avail itself of the "Meeting Competition Defense," the provisions of which are contained in Section 2(b) of The Clayton Act, 15 U.S.C. § 2(b), as amended.

II

It is further ordered that respondent shall within the twelve (12) month period beginning thirty (30) days after service upon it of this Order (hereinafter referred to as the "Effective Period") notify those retailers who purchase Respondent's Covered Products of the availability of alternative methods of participation in respondent's allowance programs by distributing a written notice in the form attached hereto as Exhibit A in the following manner:

(1) Such notice shall be contained in the "deal sheets" respondent delivers to its wholesalers, for presentation or delivery by such wholesalers to each customer of such wholesalers, in connection with five (5) major product promotions offered by respondent during the Effective Period; and

(2) Such notice shall be contained in a printed insert which will be included in each presealed "Counter Display" and "Floor Stand" distributed by respondent in connection with respondent's "World Series" promotion occurring within the Effective Period.

For purposes of paragraph II (1) of this Order, respondent shall give the notice contemplated therein in connection with respondent's "Super Bowl," "Valentine's Day," "All Star," "Miss America" and "World Series" product promotions if such product promotions are offered during the Effective Period. In the event that any of these product promotions are not offered during the Effective Period, respondent shall give the notice contemplated by paragraph II (1) in connection with a product promotion that is comparable to the one no longer offered.

III

It is further ordered that respondent shall deliver a copy of this Order to cease and desist to all sales and sales management personnel employed on the date of service of this order in each of respondent's operating divisions that is engaged in the sale of Respondent's Covered Products within the United States.

IV

It is further ordered that (i) within sixty (60) days after service upon respondent of this Order and (ii) within ninety (90) days after the end of the Effective Period, respondent shall file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied and is complying with this Order.

V

It is further ordered that respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergency of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this Order.

Exhibit A

Performance Alternatives: For accounts that do not regularly advertise in newspapers or for whom any other promotional program offered by The Gillette Company is not usable or economically feasible, The Gillette Company offers compensation for the following performance alternatives: handbills and circulars in amonts not less than 1,000; off-shelf, end-of-aisle or dump displays; window or wall posters; store banners or shelf talkers; or other in-store promotional activities acceptable to The Gillette Company.

The Gillette Company

Docket No. 9152

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from The Gillette Company (Gillette). The agreement is in settlement of the Commission's complaint concerning the advertising and promotional practices fo Gillette and requires Gillette to modify certain of those practices.

The proposed consent order is being placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Gillette is a major manufacturer of health and beauty aids and other products for personal care and use. The Commission conducted an investigation that focused on Gillette's advertising and promotional practices in connection with its sales of razors and razor blades, toiletries, and grooming aids. As a result of the investigation, a complaint was issued alleging that Gillette had violated Section 5 of the Federal Trade Commission Act, and subsection (d) of Section 2 of the Clayton Act, by paying or contracting for the payment of credits or sums of money in the form of discounts, allowances, rebates, or deductions as compensation or in consideration for promotional services or facilities provided by its customers in connection with the offering for sale or sale of Gillette's products. The complaint further alleged that these promotional allowances discriminated against particular customers or classes of customers in that they were not available, in a practical business sense, on proportionally equal terms to all customers competing in the sale and distribution of Gillette's products and that Gillette failed to offer alternative terms and conditions to customers for whom respondent's basic promotional allowance plan was not usable or suitable.

The purpose of the proposed order is to ensure that Gillette's advertising and promotional programs do not discriminate against certain customers or classes of customers. Section I.A.1. of the proposed order requires Gillette to make advertising allowances available for alternative services that are usable and economically feasible for its customers who compete in the resale of Gillette products and who do not regularly advertise in newspapers. The alternative services shall consist of handbills and circulars in amounts not less than 1,000; off-shelf, end-of-aisle or dump displays; window or wall posters; store banners or shelf talkers; or other in-store promotional activities acceptable to Gillette. Section I.A.2. states the methods Gillette will use to notify its customers of its promotional programs on an ongoing basis.

Section II describes the steps Gillette will take to notify all its customers of the modifications in its promotional programs.

Section III requires Gillette to deliver a copy of the order to all of its sales and sales management personnel in each of Gillette's operating divisons that is engaged in the sale of razors, razor blades, toilertries, or cosmetic grooming aids within the United States.

Section IV requires Gillette to file a report within sixty days after service of the order and a second report within ninety days from the end of the twelve-month period beginning thirty days after service of the order, setting forth the manner and form in which it has fulfilled the provisions of Sections I, II, and III.

Section V requires Gillette to notify the Commission of any changes in corporate organization that might affect its obligations under the order.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Michael A. Baggage,

Acting Secretary.

Statement of Commissioner Patricia P. Bailey

The Gillette Company, Docket No. 9152

August 1, 1983.

While I have voted to place this consent order on the public record for comment, I am concerned about payments of promotional allowances that exceed the cost, or approximate cost of the promotions themselves. While the main thrust of the order here is simply to afford broader promotional benefits to more of Gillette's customers, the overpayments issue ought not be overlooked in the public comment period. Such overpayments might be in violation of the Commission's amended (1972) *Guides for Advertising Allowances and Other Merchandising Payments and Services*, 16 CFR § 240 et seq., and might appear as price discriminations in violation of Section 2(a) of the Robinson-Patman amendments to the Clayton Act. The latter might be the case where promotional allowances to at least some customers exceed the expenses of actual promotions, and where such allowances are not made available to all a supplier's customers on non-discriminatory terms.

The issue of whether promotional payments may exceed the cost of promotions themselves was last addressed by the Commission in 1976, when it reaffirmed its support for the "cost or approximate cost" basis for measuring proportionality. (See footnote 2 to Guide 9, and Guide 11) While I do not believe that the Commission intends today to depart from this longstanding policy position, this order may be read by some to imply such a change of position. Because any sanctioned overpayments in excess of promotional costs may disguise price discriminations, this is a serious issue in the event that such discriminations resulted in injury to competition.

[FR Doc. 83-23103 Filed 8-22-83; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 20074; File No. 4-220]

Deferral of an Order Exposure Rule

AGENCY: Securities and Exchange Commission.

ACTION: Deferral of Proposed Rule; Request for Comment.

SUMMARY: The Commission today announces its decision to defer action on its proposed order exposure rule and solicit comment on the trading experience of broker-dealers and investors with respect to securities eligible for off-board trading pursuant to Rule 19c-3 under the Securities Exchange Act of 1934.

DATE: Comments to be received by October 3, 1983.

ADDRESSES: Persons desiring to submit such data, views and arguments should file six copies with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549, Stop 6-9. Reference should be made to File No. 4-220.

FOR FURTHER INFORMATION CONTACT: Robert L.D. Colby at (202) 272-2413; Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

Request for Comment on Off-Board Trading Pursuant to Rule 19c-3

The Commission today announces its decision to defer action on its proposed order exposure rule [1] and solicit comment on the trading experience of broker-dealers and investors with respect to securities eligible for off-board trading pursuant to Rule 19c-3 under the Securities Exchange Act of 1934 ("Act").[2]

[1] Proposed Rule 11A-1 under the Securities Exchange Act of 1934. *See* Securities Exchange Act Release No. 19372 (December 21, 1982), 47 FR 58287.

[2] 17 CFR § 240.19c-3.

I. Background of Rule 19c-3

On June 11, 1980, the Commission adopted Rule 19c-3 ("Rule").[3] The Rule precludes exchange off-board trading restrictions from applying to reported securities [4] that were listed on an exchange after April 26, 1979,[5] or that were listed on an exchange after April 26, 1979, but ceased to be traded on an exchange for any period of time thereafter ("Rule 19c-3 Securities").

Rule 19c-3 had its genesis in the Securities Acts Amendments of 1975 ("1975 Amendments"),[6] in which Congress directed the Commission to facilitate the establishment of a national market system ("NMS") for securities.[7] In the 1975 Amendments, Congress explicitly, and without qualification, directed the Commission to review exchange off-board trading restrictions, to report to Congress on that review, and to commence a proceeding to amend any such restrictions which imposed an unnecessary or inappropriate burden on competition.[8]

In response to that directive, the Commission issued a report on September 2, 1975, concluding that off-board trading restrictions were anti-competitive, and commencing a proceeding to remove those restrictions.[9] On December 19, 1975, the Commission adopted Rule 19c-1, eliminating most off-board trading restrictions on agency transactions but deferring action on principal restrictions until comment could be received from the National Market Advisory board ("NMAB") and further steps were taken in the development of the NMS.[10] Again concluding that exchange off-board trading restrictions imposed a burden on competition, the Commission on June 23, 1977, began a second proceeding to remove all such remaining restrictions by proposing Rule 19c-2.[11] On January

[3] Securities Exchange Act Release No. 16888 (June 11, 1980), 45 FR 41125 ("Rule 19c-3 Adoption Release").

[4] Reported securities are securities for which transaction reports are made available pursuant to an effective transaction reporting plan. *See* Rule 11Aa3-1(a)(4), 17 CFR § 240.11Aa3-(e)(4).

[5] Rule 19c-3 was proposed on April 26, 1979. Securities Exchange Act Release No. 15769 (April 26, 1979), 44 FR 25688.

[6] Pub. L. No. 94-29 (June 4, 1975), 89 Stat. 97.

[7] Section 11A(a)(2) of the Act.

[8] Section 11A(c)(4)(A) of the Act.

[9] Securities Exchange Act Release No. 11628 (September 2, 1975), 40 FR 41808.

[10] Securities Exchange Act Release No. 11942 (December 19, 1975), 41 FR 4507.

[11] Securities Exchange Act Release No. 13662 (June 23, 1977), 42 FR 33510. The NMAB had submitted its final report to the Commission on off-board trading restrictions which concluded that "off-board trading restrictions are a burden on competition" and that "the purposes of the Act do

26, 1978, the Commission deferred action on this proceeding until several proposed elements of the NMS were in place.[12]

Finally, on June 11, 1980, the Commission adopted Rule 19c–3, which removed all remaining off-board trading restrictions for securities listed after April 26, 1979, thus preventing the further extension of off-board trading restrictions to newly-listed securities. In adopting the Rule, the Commission reiterated earlier Commission determinations that off-board trading restrictions are anti-competitive. The Commission concluded that those anti-competitive effects could not be justified with respect to Rule 19c–3 Securities because the benefits of increased actual and potential competition obtained from the adoption of the Rule, along with the experiential benefits of observing concurrent trading of listed securities by exchange markets and over-the-counter ("OTC") market makers, outweighed the possibility of adverse consequences.[13] In making this determination, the Commission found that because the Rule was limited to newly-listed securities, it did not raise the same potential concerns as previous proposals, which arguably could have had significant effects on the markets for securities with established exchange markets.[14]

II. Events Since the Adoption of Rule 19c–3

In order to evaluate the effects of Rule 19c–3 on the securities markets, the Commission established a monitoring program to examine the extent of Rule 19c–3 trading, its impact on the overall markets for Rule 19c–3 Securities, and, in conjunction with the National Association of Securities Dealers, Inc. ("NASD"), the extent, if any, of overreaching of customers by OTC market makers in Rule 19c–3 Securities. The Commission published a report on this program in August 1981,[15] which concluded that, based on the limited amount of OTC trading pursuant to Rule 19c–3 that had developed up to that time, no significant adverse effect on the quality of the markets for Rule 19c–3 Securities could be discerned, nor had any overreaching problems of significance resulted from OTC market making pursuant to the Rule.

One impediment to effective OTC trading in Rule 19c–3 Securities noted in the Rule 19c–3 Adoption Release and the *Monitoring Report* was the lack of an effective linkage between the OTC and exchange markets. Accordingly, the Commission sought to link those markets and thereby further the statutory objective of linking "all markets for qualified securities through communication and data processing facilities * * *."[16] After the parties were unable to reach agreement on various issues essential to implementation of such a linkage, on April 21, 1981, the Commission issued an order ("Linkage Order") mandating the establishment of an automated interface between the Intermarket Trading System ("ITS")[17] and the NASD's Computer Assisted Execution System ("CAES").[18] After further Commission action to effect changes in the plan governing operation of the ITS to allow for its implementation,[19] the linkage began on May 27, 1982.[20]

In adopting the Linkage Order, the Commission reaffirmed its finding that it had not identified any adverse effects of Rule 19c–3 trading to that date. Moreover, the Commission concluded that an interface between the ITS and CAES would not exacerbate directly in any structural way the concerns raised with respect to Rule 19c–3. Nevertheless, in support of industry efforts to develop a consensus regarding the appropriate means to enhance order interaction in Rule 19c–3 Securities, the Commission instituted a rulemaking proceeding to focus public attention on the various proposals that had been made in this area. Specifically, on May 13, 1982, the Commission proposed two alternative rules, Rules 11A–1(A) and 11A–1(B), that would have required the exposure of certain orders to the marketplace before a broker-dealer could execute them as principal.[21] The Commission, however, did not take a view on the ultimate desirability of adopting either rule.

The Commission received over 450 letters of comment in response to the proposed rules. In light of those comments, on December 23, 1982, the Commission reproposed a single rule, Rule 11A–1 ("order exposure rule"), for public comment, again taking no position on whether the rule should be adopted.[22] In proposing this rule the Commission again stated that its monitoring of trading pursuant to Rule 19c–3 had not identified any discernable adverse consequences on the market for Rule 19c–3 Securities, and, if anything, the linkage appeared to have resulted in slightly increased market making competition.[23]

The Commission's preliminary conclusion is that if an order exposure rule were to be applied to the markets for Rule 19c–3 Securities, it should be applied in an attempt to obtain the potential benefits of order exposure, rather than in an attempt to address the speculative concerns[24] regarding the effects of OTC trading in Rule 19c–3 Securities.[25]

Since the reproposal of Rule 11A–1 there have been significant changes in the markets for Rule 19c–3 Securities. In April 1983, Merrill Lynch, Pierce, Fenner and Smith, Inc. ("Merrill Lynch"), the largest OTC market maker in Rule 19c–3 Securities, and a participant in the linkage, ceased making markets in Rule 19c–3 Securities. In addition, other OTC market makers in Rule 19c–3 Securities, such as Paine, Webber, Jackson and Curtis, Inc. and Goldman, Sachs and Co. (neither of which participated in the

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not justify exchanges maintaining such restrictions generally and indefinitely." The NMAB, however, was divided on whether and when particular restrictions should be removed. Letter from John J. Scanlon, Chairman, NMAB, to the Commission, dated May 14, 1977, at 2–3.

[12] Securities Exchange Act Release No. 14416 (June 26, 1978), 43 FR 4354. The Commission later withdrew proposed Rule 19c–2. Securities Exchange Act Release No. 16889 (June 11, 1980), 45 FR 41156.

[13] Commentators had argued that rules removing off-board trading restrictions in general, and Rule 19c–3 in particular, could result in broker-dealers "internalizing" their order flow, leading to the "fragmentation" of the markets for listed securities and could lead to the "overreaching" of customers and would have adverse effects on exchange market makers and small broker-dealers. For further discussion of these issues, see the Rule 19c–3 Adoption Release, *supra* note 3, at 18–22, 45 FR at 41128–31.

[14] Rule 19c–3 Adoption Release, *supra* note 3.

[15] Securities and Exchange Commission, *A Monitoring Report on Rule 19c–3 under the securities Exchange Act of 1934*, (Securities Exchange Act Release No. 18062 (August 25, 1981), ("*Monitoring Report*").

[16] Section 11A(a)(1)(D) of the Act.

[17] The ITS is an intermarket communications system operated jointly by certain national securities exchanges and the NASD, and authorized by the Commission as an NMS facility pursuant to Section 11A(a)(3)(B) of the Act.

[18] Securities Exchange Act Release No. 17744 (April 21, 1981), 46 FR 23656.

[19] Securities Exchange Act Release No. 18713 (May 9, 1982), 47 FR 20413.

[20] The first phase of the linkage order permitted the thirty most active Rule 19c–3 Securities with ITS/CAES market makers to be traded through the interface. The second phase of the order, which is now scheduled to become effective on September 15, 1983, will permit all Rule 19c–3 Securities with an ITS/CAES market maker to be traded through the interface. In this regard, the Commission notes that, although the ITS Plan anticipates the possibility of further amendments prior to the commencement of this phase of the interface, if such amendments are not approved by the Commission by September 15, the Plan procedures with respect to Phase I will continue in effect pursuant to the Commission's order.

[21] Securities Exchange Act Release No. 18738 (May 13, 1982), 47 FR 22376.

[22] Securities Exchange Act Release No. 19372 (December 23, 1982), 47 FR 58287 ("Reproposal Release").

[23] *Id.* at 13–15, 47 FR at 58289–90.

[24] *See* note 13, *supra*.

[25] *Id.* at 25–26, 47 FR at 58292. In response to its solicitation of comments, the Commission received over 325 comments on the order exposure rule.

linkage), subsequently ceased making such markets. The reasons stated for these actions were varied, and included the need to redeploy scarce personnel during the current active securities markets, frustration with inefficiencies in the current operation of the ITS/CAES linkage and dissatisfaction with trading in the current Rule 19c–3 environment. Indeed, one of these market makers, Goldman Sachs & Co., has called for the rescission of Rule 19c–3.

Following these actions, the percentage of OTC volume in comparision to consolidated volume in Rule 19c–3 Securities has declined substantially. For example, the OTC share of volume for securities included in the linkage has declined from 14.1% in January 1983 to 3.6% in June, 1983. In addition, OTC volume in all Rule 19c–3 Securities has declined from a high of 7.3% in June and September of 1982, to 2.3% in June of 1983.

III. Discussion and Request for Comment

In light of the limited amount of OTC trading in Rule 19c–3 Securities, the Commission has determined not to take further action on the proposed order exposure rule at the present time. The rule was intended to provide benefits to the securities markets by encouraging enhanced interaction of orders, increased opportunities for best execution of customer orders, and greater intermarket competition for orders. On the other hand, the rule would impose certain costs (ultimately borne by the investing public) by requiring broker-dealers to provide price protection and expose orders to competing market centers for up to 30 seconds before execution.[26] The current low level of OTC trading in these securities limits the benefits that could be achieved by an order exposure rule, and the Commission believes that, at the present time, the costs of the rule would outweigh the benefits.[27]

In addition, due to the recent significant changes in the level of trading activity in the OTC market for Rule 19c–3 Securities, the Commission believes that this is an opportune time to seek comment on the trading experience of broker-dealers and investors pursuant to Rule 19c–3. Currently available date from the NASD and the Commission's monitoring indicates that Rule 19c–3 has not had an adverse effect on the markets. The Commission is interested in receiving any additional *hard objective data* (as opposed to speculations or opinions not based upon such evidence) which either supports this conclusion or indicates that the Rule has had an adverse effect on the securities markets for Rule 19c–3 Securities. The Commission also believes it would be appropriate for the commentators to provide whatever conclusions they derive from either the Commission's monitoring data or other data submitted.[28]

Commission options include determinations to leave Rule 19c–3 in its present form, to expand the Rule to cover additional securities, or to rescind the Rule.[29] With respect to rescission of the Rule, it should be noted that there is a clear statutory directive to remove unnecessary competitive impediments, specifically with respect to off-board trading restrictions, unless such impediments are necessary to achieve other purposes of the Act. Whether any OTC market makers use Rule 19c–3, or whether the volume of activity in Rule 19c–3 Securities rises to any particular level, in a sense is irrelevant. Accordingly, the Commission believes that a finding that any competitive benefits from OTC trading in Rule 19c–3 Securities have been reduced by the recent decline in OTC market making in Rule 19c–3 Securities, or even that OTC trading in Rule 19c–3 Securities in the future may completely cease, would not singularly justify commencement of a proceeding regarding rescission of Rule 19c–3.

Interested persons are invited to submit written data, views and arguments regarding this matter by October 3, 1983. Persons desiring to submit such data, views and arguments should file six copies with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. 4–220.

Copies of the submissions which are filed with the Commission, 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, NW., Washington, D.C.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-22691 Filed 8-22-83; 8:45 am]

BILLING CODE 8010-01-M

[26] The rule, however, does provide an alternative to order exposure that could prove less burdensome to some broker-dealers and contained a number of exemptions to the order exposure requirement. *See* the Technical Appendix to the Reproposal Release, *supra* note 22.

[27] An order exposure rule also may not be justifiable unless certain changes are effected in the ITS/CAES interface to allow it to operate more efficiently.

[28] In this regard, recent data with respect to trading in Rule 19c–3 Securities is attached as a Statistical Appendix to this release and will be published in the *SEC Docket*. In addition, copies can be obtained from the Public Reference Room, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549.

[29] Other conclusions could address the current operation of the ITS/CAES linkage. Specifically, commentators may believe it appropriate to address whether the linkage as currently constituted provides an efficient method of linking the OTC and exchange markets in Rule 19c–3 Securities.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 131

[Docket No. 83N-0010]

Butter and Whey Butter; Termination of Consideration of Codex Standard

AGENCY: Food and Drug Administration.

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

SUMMARY: The Food and Drug Administration (FDA) is terminating consideration of the establishment of U.S. standards of identity for butter and whey butter, based on the "Recommended International Standard for Butter and Whey Butter" (Codex Standard No. A–1), because section 401 of the Federal Food, Drug and Cosmetic Act (the act) prohibits the establishment of a definition and standard of identity or quality for butter and there is not sufficient need to warrant proposing a U.S. standard for whey butter.

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

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 18, 1983 (48 FR 7200), FDA published an advance notice of proposed rulemaking which offered interested persons an opportunity to review the Codex standard for butter and whey butter and to comment on the desirability and need for U.S. standards of identity for butter and whey butter. The Codex standard was submitted to the United States for consideration of acceptance by the Food and Agriculture Organization/World Health Organization's Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products, a subsidiary body of the Codex Alimentarius Commission. In that notice, the agency commented that U.S.

standards of identity would not be proposed if the comments received do not support such standards.

Seven comments were received in response to the advance notice of proposed rulemaking; one of which, from a creamery association, supported the establishment of a U.S. standard of identity for whey butter. The association stated that, in 1982, it had produced 341,840 pounds of whey butter that were sold to customers in Oregon, California, and Alaska. In support of the standard for whey butter, the association contended that approximately 114.4 million pounds of whey fat, resulting from the production of 2.7 billion pounds of American cheese in 1982, were available for use and that this fat was used in various consumer products, including butter, without the benefit of a standard of identity. The remaining comments, four of which were submitted by trade associations representing the various segments of the dairy industry and two from food manufacturing firms, opposed establishment of U.S. standards of identity for butter and whey butter. The general consensus of the comments was that the existing laws (i.e., the definition of butter in section 201a of the act (21 U.S.C. 321a), the U.S. standards for Grades of Butter established by the U.S. Department of Agriculture, and various State standards; laws and regulations) adequately define butter and assure consumers of a safe and wholesome product. Several comments contended that consumers would derive no added assurances or benefits if U.S. standards of identity were promulgated. One comment maintained that adoption of the Codex standard for butter and whey butter would result in an extreme economic hardship for operators of cheese factories and butter factories because the definitions in the Codex standard specify that butter is exclusively derived from milk, and whey butter is derived from whey. These definitions in the Codex standard require keeping the cream mechanically separated from milk before cheesemaking apart from the whey cream obtained from whey extracted during the cheesemaking procedure. Another comment contended that the Codex standard would be difficult to administer, could be counterproductive and could result in confusion within the industry and for the consumer.

Cream from milk used for buttermaking may not legally be mixed with whey cream obtained from whey because the definition for butter in section 201a of the act (21 U.S.C. 321a), specifies that ""butter' * * * is made exclusively from milk, cream, or both * * *." On the other hand, whey butter made from whey cream is a nonstandarized food and may be sold in interstate commerce as whey butter. FDA considers whey butter to be the fatty product churned from whey cream obtained from cheese whey, with or without added cream obtained from milk. Both butter and whey butter must comply with the general provisions of the act and be labeled in accordance with the provisions in Part 101 (21 CFR Part 101).

Section 401 of the act states that no definition and standard of identity and no standard of quality shall be established for butter. Therefore, FDA agrees with the comments to the effect that lacks legal authority to establish a U.S. standard for butter. In addition, after having reviewed the comments, FDA concludes that there is not sufficient need to warrant proposing standards of identity for whey butter at this time. FDA believes consumers are assured of obtaining safe, wholesome, and properly labeled butter and whey butter under the existing U.S. laws and regulations. Therefore, under the procedures in § 130.6 (21 CFR 130.6), notice is given that the Commissioner of Food and Drugs has terminated consideration of developing U.S. standards of identity for butter and whey butter based on the Codex standard. This action is without prejudice to further consideration of the development of U.S. standards of identity upon appropriate justification.

FDA will inform the Technical Secretary for the Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products that imported foods which comply with the requrements of the Codex standard for butter and whey butter may move freely in interstate commerce in this country, providing the foods comply with the applicable U.S. laws and regulations.

Dated: August 12, 1983.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 83-23056 Filed 8-22-83; 8:45 am]

BILLING CODE 4160-01-M

VETERANS ADMINISTRATION

38 CFR Part 17

Grants to States for Construction of State Home Facilities

AGENCY: Veterans Administration.

ACTION: Proposed regulation amendment.

SUMMARY: This revision of a regulation's appendix updates the estimates of veteran population for each State to reflect 1980 census data. As a result of these changes, the revision also adjusts the maximum number of beds required to provide adequate nursing home care to veterans residing in each State to reflect the 4 bed per thousand veteran population limit. The Administrator is required to prescribe the maximum number of such beds by 38 U.S.C. 5034(1). A State home construction grant application may not be approved if it will result in more than the maximum number of bed prescribed in Appendix A (see 38 U.S.C. 5035(b)(4)). Although Appendix A prescribes the maximum number of such beds, when the beds to be constructed in a state will result in more than 2.5 beds per thousand veterans, the State shall provide sufficient justification for the Administrator to determine that the additional beds are required in that State (see 38 CFR 17.171).

DATE: Comments must be received on or before September 21, 1983.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed regulation amendment to: Administrator of Veterans Affairs (271A), 810 Vermont Avenue, NW, Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132, of the above address, between the hours of 8 a.m. to 4:30 p.m., Monday through Friday (except holidays) until October 5, 1983.

FOR FURTHER INFORMATION CONTACT: Rita P. Frampton, (202) 389-3854.

SUPPLEMENTARY INFORMATION: The Administrator has determined that this amendment to the regulation is nonmajor in accordance with the requirements of Executive Order 12291, Federal Regulation. It will not have an annual effect on the economy of $100 million or more, will not cause a major increase in cost or prices and will not have other significant adverse effects on the economy.

The Administrator hereby certifies that this amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601-612). Pursuant to 5 U.S.C. 605(b), this amendment is therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that this rule will regulate only States planning construction of nursing home

care beds at State Veterans Homes. States do not come within the RFA definition of "small entities" according to 5 U.S.C 601(5). It will therefore have no significant economic impact on small entities (i.e., small business, small private and nonprofit organizations, and small governmental jurisdictions).

The Catalog of Federal Domestic Assistance Number is 64.005.

List of Subjects in 38 CFR Part 17

Government contracts, Grants programs—health, Health care, Health facilities, Mental health programs, Nursing homes, Veterans.

Approved: August 8, 1983.

By direction of the Administration.

Everett Alvarez, Jr.,

Deputy Administrator.

August 8, 1983.

PART 38—[AMENDED]

38 CFR Part 17, *Medical*, is amended by revising APPENDIX A to § 17.171 to read as follows:

Appendix A—(See Sec. 17.171) State Home Facilities for Furnishing Nursing Home Care

The maximum number of beds, as required by 38 U.S.C. 5034(1), to provide adequate nursing home care to veterans residing in each State not to exceed four beds per 1,000 veteran population is established as follows:

State	Veteran population[1]	Number of beds
Alabama	436,000	1,744
Alaska	50,000	200
Arizona	383,000	1,532
Arkansas	270,000	1,080
California	3,003,000	12,012
Colorado	401,000	1,604
Connecticut	413,000	1,652
Delaware	77,000	308
District of Columbia	65,000	260
Florida	1,392,000	5,568
Georgia	632,000	2,528
Hawaii	99,000	396
Idaho	121,000	484
Illinois	1,348,000	5,392
Indiana	680,000	2,720
Iowa	354,000	1,416
Kansas	300,000	1,200
Kentucky	405,000	1,620
Louisiana	453,000	1,812
Maine	154,000	616
Maryland	544,000	2,176
Massachusetts	720,000	2,880
Michigan	1,117,000	4,468
Minnesota	525,000	2,100
Mississippi	245,000	980
Missouri	647,000	2,588
Montana	108,000	432
Nebraska	191,000	764
Nevada	137,000	548
New Hampshire	138,000	552
New Jersey	925,000	3,700
New Mexico	162,000	648
New York	1,951,000	7,804
North Carolina	660,000	2,640
North Dakota	69,000	276
Ohio	1,385,000	5,540
Oklahoma	397,000	1,588
Oregon	400,000	1,600
Pennsylvania	1,593,000	6,372
Rhode Island	126,000	504
South Carolina	351,000	1,404
South Dakota	80,000	320
Tennessee	543,000	2,172
Texas	1,732,000	6,928
Utah	155,000	620
Vermont	64,000	256
Virginia	664,000	2,656
Washington	628,000	2,512
West Virginia	243,000	972
Wisconsin	574,000	2,296
Wyoming	67,000	268

[1] Estimate as of March 31, 1983.

Source: Office of Reports and Statistics, Veterans Administration. (Based on last available Bureau of the Census data.) (June 1983.)

[FR Doc. 83-22958 Filed 8-22-83; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA Action NE 1285; A-7-FRL 2419-7]

Revision to Attainment Status Designations; State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: On march 18, 1983, the Nebraska Department of Environmental Control submitted air quality data summaries for several nonattainment areas in Nebraska and requested that the areas indicating attainment of the National Ambient Air Quality Standards be formally designated as such. The purpose of today's notice is to discuss this submission, EPA's proposed action, and to invite the public to comment on the proposed action.

DATE: Comments must be received on or before September 22, 1983.

ADDRESS: Comments should be addressed to Mary C. Carter, Environmental Protection Agency, Region VII, Air Branch, 324 E. 11th Street, Kansas City, Missouri 64106. Copies of the state submission are available for inspection during normal business hours at the above address and at the following location: Nebraska Department of Environmental Control, Air Pollution Control Division, Box 94877, Statehouse Station, 301 Centennial Mall South, Lincoln, Nebraska 68509.

FOR FURTHER INFORMATION CONTACT: Mary C. Carter at (816) 374-3791, FTS 758-3791.

SUPPLEMENTARY INFORMATION: Section 107(d) of the Clean Air Act, as amended (Act) required each state to list all areas of the state as meeting or not meeting the National Ambient Air Quality Standards (NAAQS). Areas for which there was insufficent data were to be listed as unclassifiable. These attainment status designations for all states were promulgated on March 3, 1978 in the Federal Register at 43 FR 8962. The Act specified that these attainment status designations be based on air quality control regions (AQCRs) or any subportions of these regions. Section 107(b)(5) provides that the state may revise the list of AQCRs, or portions thereof, as appropriate, and submit such list to EPA for consideration.

Areas were classified as attainment, unclassified, nonattainment of the primary (and secondary) standards, or nonattainment of the secondary standard only. An attainment area is one in which the measured or predicted air quality does not exceed the ambient air quality standards. An unclassified area is one for which there are insufficient data to determine whether the area is attainment or nonattainment. A primary nonattainment area is one in which the air quality is worse than the primary or health-based standard. A secondary nonattainment area is one in which the air quality is attaining the primary standard, but not the secondary or welfare-based standard. Secondary air quality standards are as stringent or more stringent than primary standards.

EPA's policy for redesignation is, in general, that there be no violations of the standards during the most recent eight consecutive quarters of ambient air quality data and that reductions in pollution levels can be attributed to an implemented control strategy.

On March 18, 1983, the Nebraska Department of Environmental Control submitted summaries of air quality data for the areas designated as primary particulate nonattainment in Omaha and Weeping Water. Air quality summaries were also submitted for the area designated as nonattainment of the carbon monoxide standard in Omaha. The submission requested that the areas indicating attainment be formally designated as such. The submission also requested that the state be given time to define the carbon monoxide nonattainment area in west Omaha and to develop appropriate control stategies. The submission indicated that the high levels of carbon monoxide (CO) began occurring only in the last half of 1982 and there was no time to respond with a control strategy.

Weeping Water—TSP. Located in Cass County, the entire City of Weeping Water is currently designated as nonattainment for the primary total suspended particulate (TSP) standard. The State has submitted two years of data (1981 and 1982) for one monitoring site located in the municipal boundaries

and one year of data (1982) for the other monitoring site. The second monitor had not yet been installed in 1981 and has shown no violations of the standards in 1982 since being installed. The first monitor had no violations of the annual geometric mean or the primary TSP standard in 1981 or 1982, but had seven violations of the secondary TSP standard in 1981 and none in 1982.

The State Implementation Plan revision for attainment of the TSP standard in Cass County submitted to EPA on August 9, 1982, was approved on March 28, 1983, as meeting the existing stationary source control and attainment demonstration requirements of Part D of the Clean Air Act, as amended. This submission provided for all existing major and minor sources of particulate in Cass County to be equipped with all reasonably available control measures. Additionally, it provided that reasonable further progress toward attainment of the primary standard would be achieved by the implementation of these control measures by the attainment deadline of December 31, 1982. This provides the evidence that reductions in particulate pollution levels can be attributed to an implemented control strategy.

Having reviewed the data submitted by the State, EPA finds that the area does not meet the requirements for redesignation to attainment of the particulate standards because of violations of the secondary particulate standard, but does meet the requirements for redesignation from nonattainment of the primary particulate standard to nonattainment of the secondary particulate standard.

Final promulgation of this action in a separate rulemaking at the close of the present public comment period would have the effect of removing the construction moratorium on major stationary sources of particulate which is currently in effect in this area. See the **Federal Register** of March 28, 1983 (48 FR 12717) for a discussion of the construction moratorium.

Proposed Action

EPA proposes to remove the primary nonattainment designation and retain the secondary nonattainment designation for the TSP standard in Weeping Water.

Omaha—TSP. Located in Douglas County, Omaha has two areas currently designated as nonattainment of the primary TSP standard, with the remainder of the city designated as nonattainment of the secondary TSP standard. The Nebraska SIP revision for attainment of the TSP standards in Douglas County submitted to EPA on August 9, 1982 and approved on March 28, 1983 provides the control strategy for attaining the primary TSP standard in Omaha. The State agency has confirmed that the control strategy contained in the SIP has been implemented. This provides the evidence that reductions in particulate pollution levels can be attributed to an implemented control strategy.

The State has submitted two years of data (1981 and 19822) for the monitoring sites located in the Omaha nonattainment areas. The data for the 24th and "O" Street primary nonattainment area indicate that there were no violations of the primary TSP standard in 1981 or 1982, but show one violation of the secondary TSP standard in 1981 and none in 1982. Because of the requirement that there be two years of data showing no violations of either primary or secondary standards to be redesignated to full attainment, EPA finds that the area should be redesignated from primary nonattainment to secondary nonattainment only.

The data for the 11th and Nicholas Street primary nonattainment area indicate that although there have been no violations of the primary maximum 24-hour TSP standard, the primary annual geometric mean was violated in 1981. The data also indicate that the secondary 24-hour TSP standard has been violated in 1981 and 1982. Because the primary annual geometric mean has been violated at this site in the last two years, EPA finds that the area should remain primary nonattainment according to EPA policy.

Final promulgation of this action would have the effect of removing the construction moratorium on major stationary sources of particulate at the 24th and "O" Street site only. See the **Federal Register** of March 28, 1983 (48 FR 12717) for a discussion of the construction moratorium.

Proposed Action

EPA proposes to remove the primary nonattainment designation and retain the secondary nonattainment designation for the 24th and "O" Street TSP nonattainment area. EPA retains the primary nonattainment designation for the 11th and Nicholas Street TSP nonattainment area.

Omaha—CO. The entire city of Omaha is presently designated as not attaining the 8-hour CO Standard. The State has submitted two years of data (1981 and 1982) for Omaha. The data show that there were four violations of the CO standard in 1981 and 24 violations in 1982. The State has not requested a redesignation of the Omaha area for CO, and EPA finds no basis for proposing redesignation of the area in this action.

EPA is soliciting comments on the State's submissions and on EPA's actions proposed in this document. The Administrator will consider comments received in deciding to approve or disapprove this submission.

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

Pursuant to the provisions of 5 U.S.C. 605(b), the Regional Administrator has certified that redisignations do not have significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This notice is issued under the authority of Section 107(d) of the Clean Air Act, as amended, 42 U.S.C. 7407(d).

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: July 6, 1983.

Morris Kay,

Regional Administrator.

[FR Doc. 83-23066 Filed 8-22-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[Region II Docket No. 11; A-2-FRL 2382-2]

Designation of Areas for Air Quality Planning Purposes; Revisions to Section 107 Attainment Status Designations for New York State

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice announces the Environmental Protection Agency's proposed actions on a request from New York State to revise its air quality designations for several areas with respect to ozone, particulate matter, sulfur dioxide and carbon monoxide. Such designations are required by Section 107(d) of the Clean Air Act and may be revised from time to time at the request of a state.

DATE: Comments must be received on or before September 22, 1983.

ADDRESSES: All comments should be addressed to: Jacqueline E. Schafer, Regional Administrator, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, 10278.

Copies of New York State's request and the Environmental Protection Agency's review of this material are

available for public inspection during normal business hours at:

U.S. Enviromental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278

New York State Department of Environmental Conservation, Division of Air, 50 Wolf Road, Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION:

Background

Section 107(d) of the Clean Air Act directed each state to submit to the Administrator of the Environmental Protection Agency (EPA) a list of national ambient air quality standard attainment status designations for all areas within the state. EPA received such designations from the states and promulgated them on March 3, 1978 (43 FR 8962). As authorized by the Clean Air Act, these designations have been revised from time to time at a state's request.

State Submission

On December 29, 1982 the New York State Department of Environmental Conservation (DEC) submitted to EPA a request to revise the air quality designation of several areas in the State with respect to ozone, particulate matter, sulfur dioxide and carbon monoxide. This request was supplemented with additional data on March 10, 1983. Specifically, the State has requested EPA approval of redesignations with respect to attainment of primary national ambient air quality standards for the pollutants and areas listed in Table 1.

TABLE 1

Area	Current designation	Requested designation
Ozone		
Niagara Frontier Air Quality Control Region (AQCR).	Does not meet primary standards.	Better than national standards
Genesee Finger Lakes AQCR.	do.	Do.
Portion of the Central AQCR:		
- Cayuga and Onondaga Counties.	do.	Do.
- Oswego, Oneida and Madison Counties.	Cannot be classified.	Do.
Southern Tier West AQCR.	do.	Do.

TABLE 1—Continued

Area	Current designation	Requested designation
Portion of the Hudson Valley AQCR:		
Counties of Albany, Columbia, Dutchess, Green, Orange, Putnam, Rensselaer, Schenectady, and Ulster. Towns of Clifton Park, Halfmoon and Waterford and City of Mechanicville.	Does not meet primary standards.	Cannot be classified.
Sulfur Dioxide		
City of Buffalo (an area bounded on the north by Tifft Street, on the east by Hopkins Street, on the south by the City of Lackawanna and on the west by Lake Erie).	Does not meet primary standards.	Better than national standards.
City of Lackawanna (West of S. Park Ave.).	do.	Do.
Carbon Monoxide		
City of Schenectady	Does not meet primary standards.	Better than national standards.
Town of Colonie (inside an area bounded by Sand Creek Road, Wolf Road, Railroad Ave., and Fuller Road).	do.	Do.
City of Syracuse (an area bounded by No. Salina St. Kirkpatrick St., Lodi St., Butternut St., Park St., Dewitt St., Sedgwick St., Robinson St., Sherwood Ave., Burnet Ave., the City Line, East Genesee St., Basset St., Madison St., Comstock Ave., Jamesville Ave., the City line, Erie-Lackawanna Railroad tracks, Glen Ave., I-81, Rte. 173, the City line, South Ave., Onondaga Ave., Bellevue Ave., Geddes St., I-690, Rte. 298, I-81 and Wolf St.) with the exception of the intersection of Almond and East Adams Streets at which no change in the designation is requested.	do.	Do.
Total Suspended Particulates		
City of Niagara Falls (south of Pine Ave., east of Hyde Park Blvd., and west of I-190).	Does not meet primary standards.	Does not meet secondary standards.

EPA Review of the State's Submission

The following criteria are used by EPA in determining whether or not to approve a proposed redesignation:

1. No contraventions of the applicable air quality standards have been observed during the last consecutive eight calendar quarters and there is evidence of an implemented control strategy, or

2. No contraventions of the applicable air quality standards have been observed during the last consecutive four quarters and it can be demonstrated by a state-of-the-art modeling analysis that there have been real emission reductions commensurate with the air quality improvements.

3. Nonattainment designations which were originally based on modeling alone can be changed to attainment even if four quarters of air quality data are not available if subsequent state-of-the-art modeling with the implemented control strategy now demonstrate attainment. However, any relevant monitoring data must also be considered.

4. Contraventions of the particulate matter standard may be discounted if the violations are due to fugitive dust emissions in a nonindustrial rural area and/or the violations are due to temporary activity in the vicinity of the monitor.

5. In general, since states have had nearly five years to resolve any discrepancies in their nonattainment designations, it is no longer acceptable to redesignate from nonattainment to unclassifiable.

The following is a brief summary of EPA's review and findings with regard to New York State's submission. Further details are available in a Technical Support Document available at the locations identified in the "Addresses" section of this notice.

Ozone

The DEC's redesignation requests to "better than national standards" for ozone have been based on air quality monitoring data. In the following Air Quality Control Regions (AQCRs) the data indicate that no contraventions of the national ambient air quality standard for ozone have occurred during the past eight calendar quarters:

Niagara Frontier
Genesee Fingers Lakes
Portions of the Central AQCR including the Counties of Cayuaga, Onondaga, Oswego, Oneida and Madison
Southern Tier West

EPA has reviewed the ozone air quality data from these affected Upstate New York regions and concurs with DEC's determinations. However, as noted in criteria 1 listed earlier, there must also be evidence of an implemented control strategy for ozone.

On February 5, 1980 and November 10, 1980 (45 FR 7803 and 45 FR 74472, respectively) EPA conditionally approved the New York State Implementation Plan for the attainment of the ozone standard in Upstate New York. To date the State has met all but one of the conditions on EPA's approval. The one outstanding condition, promulgated at 40 CFR 52.1674(a)(1), requires the State to revise one of its regulations to deal with the control of cutback asphalt. New York has

submitted to EPA a proposed regulatory revision meeting this requirement and this change was proposed for approval by EPA on February 3, 1983 (see 48 FR 5137). EPA is now proposing to approve the State's ozone redesignation requests for those areas mentioned earlier. However, this proposed approval will not be finalized until New York's cutback asphalt regulation is adopted in a form acceptable to EPA.

For those portions of the Hudson Valley AQCR that are designated as not meeting the ozone standard the State has requested a redesignation to "cannot be classified." This request is based on the fact that two monitors in the area show attainment of the standard, while a third monitor, at Rensselaer, shows only a slight exceedance. During the period 1980 to 1982, the Rensselaer monitor showed an expected exceedance of the ozone standard of 1.1 days per calendar year. Attainment of the primary and secondary national ambient air quality standards for ozone is demonstrated when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 parts per million is equal to or less than 1.0 (44 FR 8220, February 8, 1979).

The State contends that, due to the marginal nature of the violation at the Rensselaer monitor in combination with a downward trend in ozone concentrations and recent reductions in VOC emissions, the area should be redesignated to "cannot be classified." Additionally, the State has submitted data that indicates a "strong likelihood" that the ozone standard exceedance at Rensselaer in 1981 is based on invalid data.

EPA also believes that the 1981 ozone standard violation at Rensselaer is suspect. However, both EPA and the State believe that there is insufficient evidence to invalidate the data. Also, the Rensselaer ozone monitor was in operation for only four days between July 9 and September 16, 1982. Since the summer months yield the highest ozone concentrations, the lack of data during this period raises additional questions as to the validity of the State's claim that in 1982 there were no violations of the ozone standard in the nonattainment portions of the Hudson Valley AQCR.

Furthermore, as noted previously in criteria 5, EPA believes a redesignation request to "cannot be classified" is unacceptable, since the State has had five years to assess whether the standard is being attained. Consequently, EPA is proposing to reject the State's request to redesignate portions of Hudson Valley AQCR from "does not meet primary standards" to "cannot be classified" and recommends that the State reassess the attainment status designation of this area following the collection of ozone data during the summer of 1983.

Sulfur Dioxide

Air quality data from the one monitor in the City of Lackawanna and the three monitors in the City of Buffalo indicate that the primary and secondary sulfur dioxide national ambient air quality standards have been met for the last consecutive eight calendar quarters. However, as noted in criteria 1 listed earlier, there must be evidence of an implemented control strategy for sulfur dioxide.

On November 10, 1980 (45 FR 74472) the New York State Implementation Plan for the Buffalo area was conditionally approved with regard to its ability to meet the sulfur dioxide control requirements of Part D of the Clean Air Act. The two conditions, promulgated at 40 CFR 52.1674(g)(1) and (2), required the State to clearly define certain of its applicable sulfur dioxide emission standards. Recently, the State submitted to EPA proposed actions satisfying these two conditions. EPA has proposed to approve these actions (see 48 FR [1]). As a result, EPA is proposing to approve the State's request to redesignate applicable portions of the Cities of Buffalo and Lackawanna from "does not meet the primary standard" to "better than national standards" provided EPA finalizes its proposal to find the provisions of 40 CFR 52.1674(g)(1) and (2) met. Further, it is EPA's opinion, based on the fact that air quality standards have been attained for the past six years, that the control strategies implemented by the State have been effective.

Carbon Monoxide

The DEC has requested that the City of Schenectady, the Town of Colonie and the City of Syracuse (with the exception of the intersection of Almond and East Adams Streets) be redesignated from "does not meet primary standards" to "better than national standards" for carbon monoxide.

The original nonattainment designations for these areas were based on the application of an empirical realtionship between monitoring data and vehicle miles travelled. In order to more accurately quantify the extent and magnitude of the upstate carbon monoxide problems, a later "Upstate Carbon Monoxide Hot-Spot Study" was conducted from July 1979 to September 1980. As a result of this study, which used monitoring and modeling techniques, it was determined that the carbon monoxide standard was being met in the City of Schenectady, the Town of Colonie and the City of Syracuse with the exception of the intersection of Almond and East Adams Streets. This study is the technical basis of DEC's carbon monoxide redesignation request.

EPA has reviewed the Upstate Study including the air quality modeling analysis and is in agreement with DEC's assessment. Critieria, 3, listed earlier, has been met and, consequently, EPA is proposing to approve DEC's carbon monoxide redesignation requests.

Total Suspended Particulates

The DEC has requested that a portion of the City of Niagara Falls designate as not attaining the primary particulate matter standard be redesignated to attainment. This request is based on a review of two years of air quality data.

In its submittal the State notes that two of the eight monitoring sites in the City of Niagara Falls have shown violations of the primary particulate matter standard. Data from one of these two sites, the Kies Avenue monitor (SAROAD I.D. #334 74000 7 FO 1), has been discounted by the State due to the fact that the monitor does not meet EPA siting criteria. This is because the monitor is located too close to the ground and too near to a roadway. To support its contention, the State notes that a National Ambient Air Monitoring Station (NAMS) monitor located 200 feet away from the Kies Avenue monitor and meeting EPA siting criteria shows attainment of the primary standard. The differential in annual concentration between the Kies Avenue and NAMS monitors was 23 ug/m^3 in 1981 and 18 ug/m^3 in 1980.

The other monitor that showed a violation of the primary particulate matter standard is the Parks Department monitor (SAROAD I.D. #334 74000 9 FO 1). In 1980 the Parks Department monitor recorded an annual concentration of 76 ug/m^3. The annual primary particulate matter standard is 75 ug/m^3. However, the State has submitted an analysis demonstrating that a nearby creek bed restoration project was the cause of the 1980 exceedance. The analysis indicated that, when the wind was blowing from the restoration project, high concentrations were measured. Also, the State notes that in 1981, after the restoration project was completed, the annual average concentration dropped from 76 ug/m^3 to 64 ug/m^3.

[1] Call William S. Baker, Region II Office at FTS 264-2517 to get **Federal Register** citation.

EPA has reviewed the State's air quality monitoring data including its analysis of the two monitors that showed recent violations of the standard and is in agreement with DEC that the affected area in the City of Niagara Falls is attaining the primary particulate matter standard. However, as noted in criteria 1, in order for EPA to approve a redesignation request, there must also be evidence of an implemented control strategy.

The primary source of particulate matter emissions in the nonattainment areas of the Niagara Frontier AQCR is the steel industries of South Buffalo and Lackawanna. In fact, the State's strategy for additional emission control in the Niagara Frontier AQCR is aimed almost entirely at the steel industry. However, steel industry sources are not located in the city of Niagara Falls. Therefore, for the City of Niagara Falls, the control strategy which has recently been implemented includes the covering of trucks (required by Section 380–A of the State's Vehicle and Traffic Law) and several voluntary controls. The voluntary controls include road paving, dust collection, seeding of bare soil, and stockpile control. A majority of the recent emission reductions were obtained from the paving of private roads. This produced real and permanent emission reductions and no additional control measures are planned for the City of Niagara Falls. This approach is supported by a previously submitted air quality modeling analysis which indicates that the AQCR's steel industry emissions have only a minor impact on the City of Niagara Falls.

As a result, EPA is proposing approval of the State's redesignation request, even though a Part D particulate matter attainment plan for this AQCR has not been approved by EPA. While such a plan was proposed for conditional approval in 1980 (45 FR 54372, August 15, 1980), this action was never finalized by EPA. Finally, it should be noted that the area remains in violation of the secondary particulate matter standard and as a result will continue to be designated as "does not meet secondary standard."

Conclusion

EPA is proposing to approve all of the redesignation requests listed earlier in Table 1 with the exception of the ozone redesignation for the affected areas of the Hudson Valley AQCR. In this area EPA is proposing to reject the state request to redesignate the area to "cannot be classified."

EPA's proposed approval of these redesignations is based on their meeting the requirements of Section 107 and 301 of the Clean Air Act and applicable EPA guidelines.

Interested persons are invited to comment on any element of the subject proposal and on whether it meets Clean Air Act requirements. Comments received by [30 days from date of today's publication] will be considered in EPA's final decision. All comments received will be available for inspection at the Region II office of EPA at 26 Federal Plaza, Room 1005, New York, New York 10278.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impat on a substantial number of small entities (See 46 FR 8709).

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

Sections 107 and 301 of the Clean Air Act, as amended (42 U.S.C. 7407, 7601).

List of Subjects in 40 CFR Part 81

Air pollution control, National Parks, Wilderness Areas.

Dated: June 8, 1983.

Jacqueline E. Schafer,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 83-23065 Filed 8-22-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5330]

Proposed Flood Elevation Determinations; Idaho

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule; revision.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Boise, Idaho.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 20454 on April 5, 1979 and in *The Idaho Statesman*, published on or about April 9, 1979, and April 16, 1979, and hence supersedes those previously published proposed rules for the areas cited below.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Public Works Department, 150 North Capitol, Boise, Idaho.

Send comments to: Honorable Richard Eardley, P.O. Box 500, Boise, Idaho 83702.

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

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Boise, Idaho, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

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

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The proposed base (100-year) flood elevations are:

Source of Flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Boise River	100 feet southwest of intersection of Moore Street and Clover Drive.	*2,653
	At the intersection of Royal Boulevard and Dale Street.	*2,684
Boise River Side Channel.	At the intersection of Mallard Street and Park Center Boulevard.	*2,710
Stuart Gulch	Along Access Road to Hillside Jr. High School; 100 feet east of Stuart Gulch Road.	*2,692
	At the intersection of Catalpa Drive and Hill Road.	§4
Crane Gulch	At the intersection of Crane Creek Road and Ranch Road.	*2,788
	At the intersection of Good Street and Harrison Boulevard.	§4
Cottonwood Creek.	40 feet upstream of confluence with Freestone Creek.	*2,796
	At the intersection of Krall Street and Avenue C.	§2
Hulls Gulch	At stream crossing of Mile High Road.	*2,806
	At the intersection of Alturas Street and North 7th Street.	§1

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

Issued: August 10, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-22833 Filed 8-23-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6553]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: Submit comments to address listed in table.

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

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1974 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Connecticut	Groton, City, New London County	Long Island Sound	Shoreline at Eastern Point	*15
			Shoreline at Bayberry Lane extended	*13
			Entire shoreline of Baker Cove within community	*12
		Thames River	Shoreline at Bayview Avenue No. 1 extended	*13
			Shoreline at northern corporate limits	*12

Maps available for inspection at the City Municipal Building, Groton, Connecticut.

Send comments to Honorable Catherine Kolnaski, Mayor of the City of Groton, 295 Meridon Street, Groton, Connecticut 06340.

Connecticut	Westport, Town, Fairfield County	Saugatuck River	At dam 1,125 feet upstream of Canal Street	*11
			Downstream of Merritt Parkway	*26
			2,000 feet upstream of State Route 57	*45

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		West Branch Saugatuck River	At confluence with Saugatuck River	*31
			Upstream of Cavalry Road	*67
			Upstream of Newtown Turnpike	*91
		Aspetuck River	At confluence with Saugatuck River	*36
			Upstream of North Avenue	*70
			Upstream of Bayberry Lane	*91
			At corporate limits 1,800 feet upstream of Deerwood Lane.	*120
		Stony Brook	750 feet upstream of confluence with Saugatuck River	*11
			Upstream of Nash Pond Dam	*61
		Dead Man's Brook	At corporate limits 450 feet upstream of Patrick Road	*94
			300 feet downstream of Post Road East	*11
			Upstream site of Evergreen Avenue	*34
			Upstream side of Lost Lodge Road	*94
			Upstream side of Pumpkin Hill Road	*166
		Muddy Brook	1,450 feet upstream of Highland Road	*219
			Upstream of Sherwood Island Connector	*14
			Upstream of Long Lots Road	*66
		Sasco Creek	6,900 feet upstream of Highpoint Road	*145
			200 feet downstream of Post Road East	*11
			Upstream of Old Road	*42
		Poplar Plains Brook	At Long Lots Road	*61
			At confluence with Saugatuck River	*26
			2,520 feet upstream of confluence with Saugatuck River.	*50
		Willow Brook	At confluence with Saugatuck River	*12
			860 feet upstream of Carriage Lane	*25
		Long Island Sound	At Saymour Point	*17
			At Harbour Road extended	*14
			At Stony Point	*14
			At Hendricks Point	*17
			At Sherwood Point	*17
			At Frost Point	*17

Maps available for inspection at the Town Hall, Westport, Connecticut.

Send comments to Honorable William Seiden, First Selectman for the Town of Westport, Town Hall, 1 Myrtle Avenue, Westport, Connecticut 06880.

Georgia	Unincorporated areas of Glynn County	Atlantic Ocean	At intersection of Oriole Street and Glynn Avenue	*17
			At intersection of Kings Way and Demere Road	*15
			At intersection of Sea Island Road and Kings Way	*14
			At intersection of Sea Island Drive and Augustine Street.	*14

Maps available for inspection at the Office of the Director of the Brunswick-Glynn County Planning Commission, Old City Hall Building, Brunswick, Georgia 31520.

Send comments to Mr. John McClurd, Chairman, Glynn County Board of Commissioners, P.O. Box 879, Glynn County Courthouse of Mr. Craig Mahlman, Director of the Glynn County Planning Commission, P.O. Box 1495, Old City Hall Building, Brunswick, Georgia 31520.

Massachusetts	Rutland, Town, Worcester County	Moulton Pond Brook	Approximately .45 mile downstream of abandoned railroad bridge.	*977
			Approximately 20 feet downstream of Depot Road	*985
			Approximately 80 feet upstream of State Route 56	*1,009
		East Branch Ware River	Downstream corporate limits	*813
			Approximately 560 feet upstream of Interval Road	*814
			Upstream of Harris Road	*824
			Approximately .41 mile downstream of Harris Road	*837
			Upstream of State Route 68	*868
			At upstream corporate limits	*875

Maps available for inspection at the Planning Board, 250 Main Street, Rutland, Massachusetts.

Send comments to Honorable Attelio Alenovi, Chairman of the Town of Rutland, Board of Selectmen, 250 Main Street, Rutland, Massachusetts 01543.

Minnesota	(C) Mapleview Mower County	Cedar River	Within the corporate limits	*1,203

Maps available for inspection at the Office of the City Clerk, City Hall, 204 Broadway, Mapleview, Minnesota.

Send comments to Honorable Kenneth R. Nash, Mayor, City of Mapleview, City Hall, 204 Broadway, Mapleview, Minnesota 55912.

Nebraska	(C) Lexington, Dawson County	Platte River	About 0.83 mile downstream of U.S. Highway 283	*2,378
			About 2.42 miles upstream of U.S. Highway 283	*2,399
		Shallow flooding (overflow from Spring Creek).	About 2.0 miles north of Lexington Municipal Airport	2#
			About 0.25 mile west of State Highway 21 bridge over Spring Creek.	2#
			About 0.6 mile Northeast of State Highway 21 bridge over Spring Creek.	2#
			About 0.25 mile east of State Highway 21 bridge over Spring Creek.	1#
			About 1.0 mile east of intersection of Taft Street and U.S. Highway 30.	1#
			About 2.0 miles east of intersection of Walnut Street and U.S. Highway 283.	2#
		Shallow flooding (overflow from Buffalo Creek).	At State Highway 21 intersection with Extraterritorial Limits Boundary in Section 20.	1#

Maps available for inspection at City Hall, P.O. Box 70, Lexington, Nebraska.

Send comments to Honorable Leon Maltzahn, Acting City Manager, City of Lexington, City Hall, P.O. Box 70, Lexington, Nebraska 68850, Attention: Mr. Doyle W. Howell, City Engineer.

New Jersey	Jamesburg, Borough, Middlesex County	Manalapan Brook	Downstream corporate limits	*45
			Downstream of dam	*47
			Manalapan Lake at William Street (extended)	*53

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Wigwam Brook	At confluence with Manalapan Brook	*47
			Upstream of Forsgate Drive culvert	*64
			At corporate limits	*86
		Barclay's Brook	Confluence with Manalapan Brook	*45
			Upsteam of Lake Street	*51
			At corporate limits	*59

Maps available for inspection at the Municipal Building, 31 East Railroad Avenue, Jamesburg, New Jersey.
Send comments to Honorable Joseph Tonkery, Mayor of the Borough of Jamesburg, 31 East Railroad Avenue, Jamesburg, New Jersey 08831.

Ohio	(V) Delta, Fulton County	Fewless Creek	About 2,200 feet downstream of Conrail	*710
			Just upstream of Conrail	*719
			About 0.6 mile upstream of Fernwood Avenue	*729

Maps available for inspection at the Administrator's Office, Memorial Hall, 401 Main Street, Delta, Ohio.
Send comments to Honorable Warren E. Smith, Village Administrator, Village of Delta, Memorial Hall, 401 Main Street, Delta, Ohio 43515.

Texas	Nassau Bay, City, Harris County	Clear Lake	Northeastern shoreline of community at Sailboat Drive (extended).	*15
			From Bal Harbour Cove to confluence of Clear Creek	*14
			Shoreline of inland bay near confluence with Clear Creek.	*13
		Clear Creek	Shoreline from confluence with Clear Lake to Martinique Drive (extended).	*12
			Shoreline west of Martinique Drive (extended) including shoreline of Cow Bayou.	*11

Maps available for inspection at the City Hall, 1800 Nassau Road, Houston, Texas.
Send comments to Honorable Gerald Allen, City Hall, 1800 Nassau Road, Nassau Bay, Texas 77058.

Virginia	Patrick County	South Mayo River	Approximately .7 mile downstream of State Route 681	*1,152
			Confluence of Campbell Branch	*1,182
			Confluence of North Fork South Mayo River	*1,216
			Upstream State Route 63 (most downstream crossing)	*1,281
			Upstream State Route 815 (upstream crossing)	*1,364
			Upstream State Route 631 (most uptream crossing)	*1,447
			Approximately 80 feet upspstream of State Route 644	*1,485
		Campbell Branch	Confluence with South Mayo River	*1,182
			Upstream U.S. Route 58	*1,249
			Approximately 960 feet upstream Johnson Street	*1,351
		North Fork South Mayo River	Confluence with South Mayo River	*1,216
			Confluence of Poorhouse Creek	*1,244
			Approximately .28 mile upstream U.S. Route 58 (downstream crossing).	*1,271
			Approximately 1.15 miles downstream U.S. Route 8	*1,326
			Upstream U.S. Route 58 (upstream crossing)	1,391
		Poorhouse Creek	Confluence with North Fork South Mayo River	*1,244
			Upstream of most upstream private drive	*1,279
			Approximately 20 feet upstream State Route 642	*1,324

Maps available for inspection at the Office of Patrick County Administrator, Hooker Building, Stuart, Virginia.
Send comments to Honorable Edward M. Turner, Patrick County Administrator, P.O. Box 466, Stuart, Virginia 24171.

Virginie	Stuart, Town, Patrick County	South Mayo River	Downstream corporate limits	*1,182
			Upstream Masonite Access Road	*1,189
			Upstream corporate limits	*1,195
		North Fork South Mayo River	Downstream corporate limits	*1,223
			Upstream State Route 1020	*1,233
			Upstream corporate limits	*1,243
		Campbell Branch	Confluence with South Mayo River	*1,182
			Upstream U.S. Route 58	*1,325
			Upstream corporate limits	*1,351

Maps available for inspection at the Town Office, Stuart, Virginia.
Send comments to Honorable C. B. Hopkins, Mayor of the Town of Stuart, P.O. Box 171, Stuart, Virginia 24171.

Wyoming	Campbell County (unincorporated areas)	Donkey Creek	50 feet upstream from the center of Donkey Creek Drive.	*4,560
		Donkey Creek	At the center of Jay Hawker Street crossing	*4,578
		Stonepile Creek	At the confluence with Donkey Creek	*4,461
		Antelope Butte Creek	100 feet upstream of State Highway 59	*4,553
		Sleepy Hollow Creek	100 feet upstream from the center of Sleepy Hollow Blvd..	*4,578
		Little Rawhide Creek	50 feet downstream from the center of State Highway 14 and 16..	*4,266

Maps available for inspection at Engineer's Office, 500 South Gillette, Gillette, Wyoming.
Send comments to the Honorable Bob L. Tarver, 500 South Gillette, Gillette, Wyoming 82716.

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

Issued: August 10, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-22935 Filed 8-22-83; 8:45 am]

BILLING CODE 6718-03-M

Notices

Federal Register
Vol. 48, No. 164
Tuesday, August 23, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Joint Nutrition Monitoring Evaluation Committee; Establishment

A Joint Nutrition Monitoring Evaluation Committee will be established to evaluate the findings of the Nationwide Food Consumption Survey (NFCS), the National Health and Nutrition Examination Survey (NHANES), and other Federal nutrition monitoring efforts and develop a report on the nutritional status of the U.S. population. The Advisory Committee shall be composed of four members, two selected by the Department of Agriculture (USDA) and two by the Department of Health and Human Services (DHHS). The Committee will be chaired by an official of the Office of the Secretary of Agriculture and/or the Assistant Secretary for Health, DHHS. The Committee will meet initially at the call of the Chairman and thereafter on call by the Chairman as necessary. Information input will be provided by the Human Nutrition Information Service, USDA, and the National Center for Health Statistics, DHHS. The Human Nutrition Information Service and units of the Office of the Assistant Secretary for Health, DHHS, will be responsible for processing, publishing, and distributing reports.

It has been determined that the establishment of the Committee is in the public interest in connection with the work of the U.S. Department of Agriculture and the Department of Health and Human Services.

Interested persons may send comments to Dr. Robert L. Rizek, Director, Consumer Nutrition Division, Human Nutrition Information Service, USDA, 368 Federal Building, Hyattsville, MD 20782, on or before September 7, 1983.

Done at Washington, D.C., this 18th day of August, 1983.

John J. Franke, Jr.,
Assistant Secretary for Administration.

[FR Doc. 83-23163 Filed 8-22-83; 8:45 am]
BILLING CODE 3410-48-M

Agricultural Stabilization and Conservation Service

Rural Clean Water Program (RCWP) Payments; Determination of Primary Purpose for Amounts That May Be Excluded From Income

AGENCY: Agricultural Sabilization and Conservation Service, USDA.

ACTION: Notice of Determination.

SUMMARY: The purpose of this notice is to announce the determination by the Secretary of Agriculture that certain Federal payments made to farmers under the Experimental Rural Clean Water Program (RCWP) are deemed by the Secretary to have been made primarily for purposes of conserving soil and water resources, protecting and restoring the environment, improving forests, or providing a habitat for wildlife. This determination by the Secretary is made in accordance with Section 126(b) of the Internal Revenue Code of 1954, as amended by Section 543 of the Revenue Act of 1978 and the Technical Corrections Act of 1979. The effect of this determination is to make it possible for recipients of these payments to exclude some or all of them from gross income for Federal income tax purposes if certain other conditions are met.

FOR FURTHER INFORMATION CONTACT: Director, Conservation and Environmental Protection Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013 (202) 447-6221.

SUPPLEMENTARY INFORMATION: This action has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified as "not major." It has been determined that these program provisions will not result in: (1) Annual effects on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; and (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this notice applies are: Title—Rural Clean Water Program; Number—10.068; as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since there is no requirement that a notice of proposed rulemaking be published pursuant to 5 U.S.C. 553 or any other provision of law with respect to the subject matter of this determination.

Section 126 of the Internal Revenue Code of 1954, as amended by the Revenue Act of 1978 and the Technical Corrections Act of 1979, provides that certain payments which are made to persons under designated programs administered by the Department of Agriculture may be eligible for exclusion from gross income if certain determinations are made. One such determination involves the Secretary of Agriculture who must determine whether certain cost-share payments issued to persons under designated programs listed in Section 126(a) are "made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife." In making any such determination, the Secretary of Agriculture must evaluate each of those designated programs based upon criteria set forth at 7 CFR Part 14.

The RCWP provides technical and financial assistance to agricultural landowners and operators through agreements of 3 to 10 years to reduce agricultural nonpoint source water pollutants and to improve water quality in rural areas to meet water standards or water quality goals. Payments are made under the RCWP to landowners and operators for the satisfactory installation of Best Management Practices designed to protect the public and the environment from the adverse effects of agricultural nonpoint source pollution on water quality.

Section 126(a)(9) provides for the exclusion of payments made under any

small watershed program administered by the Secretary of Agriculture and determined by the Secretary of the Treasury to be substantially similar to the programs listed in Section 126(a) (1) through (8). A small watershed, however, is defined in the Temporary Income Tax Regulations as a watershed or subwatershed that does not exceed 250,000 acres and does not include any single structures providing more than 12,500 acre-feet of floodwater detention capacity, nor more than 25,000 acre-feet of total capacity.

The Department of Agriculture was advised in a letter dated August 23, 1982, from the Commissioner of Internal Revenue that the Experimental Rural Clean Water Program authorized by the Agriculture, Rural Development and Related Agencies Appropriations Acts for fiscal years 1980 and 1981 (Pub. L. 96–108 and 96–528) is a program under which payments may be considered for exclusion from gross income under Section 126 (a)(9) as a small watershed program if the Secretary certifies that payments in connection with "small watersheds" as defined in the Temporary Income Tax Regulations (46 FR 27636) which were issued by the Internal Revenue Service, Department of Treasury, are made primarily for the purpose of conservation.

One of the 21 RCWP projects funded to date, the Tillamook Bay project in Oregon, is in excess of the 250,000 acreage limitation set forth in the definition of a "small watershed" in the Temporary Income Tax Regulations. Accordingly, the Department was further advised in the letter from the Commission of Internal Revenue dated August 23, 1982, that the Tillamook Bay project area is not a "small watershed" and the recipients of RCWP payments in that project area do not qualify for tax exclusion under Section 126(a)(9) of the Internal Revenue Code of 1954, as amended. This position was subsequently affirmed in a letter to the Department dated February 18, 1983, from the Associate Chief Counsel, Internal Revenue Service.

The RCWP authorizing legislation, regulations, and operating procedures have been carefully examined using the criteria established by the Department of Agriculture under 7 CFR Part 14 for making "primary purpose" determinations. It has been concluded that the payments made under the RCWP are made for the purpose of providing financial assistance to agricultural producers for carrying out enduring conservation and environmental enhancement measures. A "Rural Clean Water Program (RCWP) Record of Decision: Primary Purpose Determination for Federal Tax Purposes" has been prepared and is available upon request from the Conservation and Environmental Protection Division, ASCS.

Determination

Therefore, the Secretary of Agriculture has determined that in accordance with Section 126(b)(1) of the Internal Revenue Code of 1954, as amended, all payments made for those conservation practices approved by the Secretary under the Experimental Rural Clean Water Program (RCWP) after February 20, 1980, are made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife. It has been further determined that the Tillamook Bay RCWP project area in Oregon is not a "small watershed" as defined in the Temporary Income Tax Regulations issued by the Internal Revenue Service, Department of Treasury, since the project area exceeds 250,000 acres. Accordingly, recipients of RCWP cost-share payments in that area are not eligible for consideration for tax exclusion under Section 126(a)(9) of the Internal Revenue Code of 1954, as amended.

Signed at Washington, D.C. on August 17, 1983.

John R. Block,

Secretary of Agriculture.

[FR Doc. 83-23049 Filed 8-22-83; 8:45 am]

BILLING CODE 3410-05-M

Commodity Credit Corporation

1983 Peanut Program, Notice of Determination

Correction

In FR Doc. 83–21760 beginning on page 36297 in the issue of Wednesday, August 10, 1983, make the following correction:

On page 36298, first column, under **EFFECTIVE DATE** "August 19, 1983" should have read "August 10, 1983".

BILLING CODE 1505-01-M

Soil Conservation Service

McCaysville City Park RC&D Measure, Georgia; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of A Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the McCaysville City Park RC&D Measure, Fannin County, Georgia.

FOR FURTHER INFORMATION CONTACT: Dwight M. Treadway, State Conservationist, Soil Conservation Service, 355 East Hancock Avenue, (P.O. Box 832), Athens, Georgia 30613, telephone: 404–546–2273.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Dwight M. Treadway, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The objective of the sponsors is to provide water-based recreational facilities for residents of Fannin County and nearby communities. The planned works of improvement include construction of a boat ramp, picnic facilities, and parking area with accompanying sanitation and safety installations.

The Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental evaluation are on file and may be reviewed by contacting Dwight M. Treadway.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: August 15, 1983.

Edgar L. Helmey,

Deputy State Conservationist.

[FR Doc. 83-23097 Filed 8-22-83; 8:45 am]

BILLING CODE 3410-16-M

Mississippi County Spillway Area Watershed, Missouri; Availability of a Record of Decision

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Availability of a Record of Decision.

SUMMARY: Paul F. Larson, responsible Federal official for projects administered under the provisions of Pub. L. 83–566, 16 U.S.C. 1001–1008, in the State of Missouri, is hereby providing notification that a record of decision to proceed with the installation of the Mississippi County Spillway Area Watershed project is available. Single copies of this record of decision may be obtained from Paul F. Larson at the address shown below.

FOR FURTHER INFORMATION CONTACT: Paul F. Larson, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri, 65202, telephone 314/875–5214.

(Catalog of Fedeal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Record of Decision, Mississippi County Spillway Area Watershed, Mississippi County, Missouri

1. *Purpose:* As State Conservationist for the Soil Conservation Service, I am the Responsible Federal Official (RFO) for all Soil Conservation Service projects in Missouri.

The recommended plan for the Mississippi County Spillway Area Watershed involves works of improvement to be installed under authorities administered by the Soil Conservation Service. This project includes the installation of 38 miles of channel work with 430 grade stabilization structures, maintenance of bottom land hardwoods and a cultural resources information system.

The Mississippi County Spillway Area Watershed plan was prepared under the authority of the Watershed Protection and Flood Prevention Act (Pub. L. 566, 83rd Congress, 68 Stat. 666, as amended) by the Mississippi County Consolidated Drainage District, Mississippi County Court, and the Mississippi County Soil and Water Conservation District. The scoping meeting, held during February of 1973, established the Soil Conservation Service (SCS), U.S. Department of Agriculture, as lead agency, and the Forest Service-USDA and the Fish and Wildlife Service-USDI as cooperating agencies.

2. *Measures Taken To Comply With National Environmental Policies:* The Mississippi County Spillway Area Watershed project has been planned in accordance with existing Federal legislation concerned with the preservation of environmental values. The following actions were taken to insure that the Mississippi County Spillway Area Watershed plan is consistent with national goals and policies.

The environmental evaluation completed by an interdisciplinary team under the direction of SCS in 1980, concluded that significant impacts on the human environment may occur because of the complexity and public interest of the proposed action. As RFO, I directed that a draft environmental impact statement (EIS) be prepared.

The interdisciplinary environmental evaluation of the Mississippi County Spillway Area Watershed project was conducted by the sponsors, cooperating agencies, and the SCS. Information was obtained from many groups and agencies. Inventories of archeological resources were made by the Missouri Department of Natural Resources and the Environmental Research Center.

Reviews were held with the Environmental Protection Agency, U.S. Fish and Wildlife Service, Missouri Department of Natural Resources, State Historic Preservation Officer, and the Missouri Department of Conservation. Inputs from these reviews were included in the EIS.

Public meetings were held in July and August 1978, to solicit public participation in the environmental evaluation, to assure that all interested parties had sufficient information to understand how their concerns are affected by water resource problems, to afford local interests the opportunity to express their views regarding the plans which can best solve these problems, and to provide all interests an opportunity to participate in the plan selection. Transcripts of the minutes were developed and are on file.

A draft watershed plan-environmental impact statement was prepared in September 1981, and made available for public review. The recommendations and comments obtained from public meetings held during project planning and assessment were considered in the preparation of the statement. Projects of other agencies were discussed only when they related to the Public Law 566 project, and they were not evaluated with regard to their individual merit.

Copies of the draft environmental impact statement were distributed to agencies, conservation groups, organizations, and individuals for comment. The notice of availability of the draft environmental impact statement was listed in the **Federal Register** by the Environmental Protection Agency on October 9, 1981.

Existing data and information pertaining to the project's probable environmental consequences were obtained with assistance from other scientists and engineers. Documentary information as well as the views of interested Federal, State, and local agencies and concerned individuals and organizations having special knowledge of, competence over, or interest in the project's environmental impact were sought. This process continued until it was felt the information necessary for a comprehensive, reliable assessment had been gathered.

The project's current and probable future environmental setting was reviewed to determine the proposed project's impact and identify unavoidable adverse environmental impacts that might be produced.

During the review of the draft watershed plan-EIS, the Environmental Protection Agency commented that insufficient information was available to describe the effects of removing sediment and otherwise modifying the channels. Further testing of the materials to be disturbed by project action confirmed that adverse effects would not result.

The consequences of a full range of reasonable and viable alternatives were considered, studied, and analyzed. These alternatives considered courses of action that could reasonably accomplish the project purposes. The economic, social, and environmental values affected by each alternative were identified. The possibilities of structural and nonstructural alternatives for the project were considered.

Three alternatives were considered. Alternative (1) (NED) proposed reconstruction of 37 miles of existing channel and construction of one mile of new channel, 430 grade stabilization structures including the establishment of 337 acres of vegetation on disturbed areas. Alternative (2) proposed 200 grade stabilization structures, including 20 acres of vegetation on disturbed areas, forest maintenance on 1,342 acres and a system to protect cultural resources through improvement of communication between landowners and the Missouri Department of Natural Resources. Alternative (3) (RECOMMENDED) combines the measures in alternative 1, with the forest maintenance and cultural resource information programs from alternative 2.

3. *Conclusions:* The following conclusions were reached after carefully reviewing the proposed Mississippi County Spillway Area Watershed project in light of all national goals and policies, particularly those expressed in the National Environmental Policy Act, and after evaluating the overall merit of possible alternatives to the project.

a. The Mississippi County Spillway Area Watershed project will employ a reasonable and practicable means that is consistent with the National Environmental Policy Act while permitting the application of other national policies and interests. These means include, but are not limited to, a project planned and designed to minimize adverse effects on the natural environment, while accomplishing an authorized project purpose. Project features designed to preserve existing environmental values for future generations include: (1) placement, shaping and establishing vegetation on spoil to minimize erosion, and soil movement into adjacent areas and channels, (2) stacking spoil in areas where important resources are riparian to the existing ditch. Stacking rather than spreading the spoil will minimize the area affected, (3) inclusion of 430 grade stabilization structures along channels to minimize bank erosion and transport of sheet and rill erosion products in concentrated flow where runoff or return flows enter the channels, (4) signed voluntary commitments by landowners to maintain 1,342 acres of bottom land hardwoods/wetlands and, (5) a means to inform the Missouri Department of Natural Resources of planned land disturbing activitiers that will disturb previously undisturbed archeological and historic resources.

b. The Mississippi County Spillway Area Watershed project was planned using a systematic interdisciplinary approach involving integrated uses of the natural and social sciences and environmental design arts. The results of this review constitutes the basis for the conclusions and recommendations. All conclusions concerning the environmental impact of the project and overall merit of existing plans were based on a review of data and information that would be reasonably expected to reveal significant environmental consequences of the proposed project. These data included additional studies prepared specifically for the project and comments and views of interested Federal, State, and local agencies and individuals. The project has been planned to minimize adverse effects to the Towasahgy State Park which is adjacent and the Beckwith's Fort Archeological Site located from stations 221+00 to 232+50 along Lateral No. 7. The project will not affect fish, wildlife, or plants that have been designated as endangered or threatened.

c. In studying and evaluating the environmental impact of the Mississippi County Spillway Area Watershed project, every effort was made to express all environmental values quantitatively. Failure to quantify particular environmental amenities and values is the result of the absence of a methodology having general scientific acceptance. Nevertheless, every effort was made to identify and give appropriate weight and consideration of nonquantifiable environmental values.

d. Every possible effort has been made to identify those adverse environmental effects which cannot be avoided if the project is constructed.

e. The long-term and short-term resource, uses, long-term productivity, and the irreversible and irretrievable commitment of resources are accurately described in the final environmental impact statement.

f. All reasonable and viable alternatives to project features and to the project itself were studied and analyzed with reference to national policies and goals, especially those expressed in the National Environmental Policy Act and the Federal water resource development legislation under which the project was planned. Each possible course of action was evaluated as to its possible economic, technical, social, and overall environmental consequences to determine the trade-offs necessary to accommodate all national policies and interests. No alternative or combination of alternatives will afford greater protection of the environmental values while accomplishing the other project goals and objectives.

g. I conclude, therefore, that the proposed project will be the most effective means of meeting national goals and serving the public interest.

4. *Recommendations:* Having concluded that the proposed Mississippi County Spillway Area Watershed project uses all practicable means, consistent with other essential considerations of the national policy, to meet the goals established in the National Environmental Policy Act, that the project will thus serve the overall public interest, that the final environmental impact statement has been prepared, reviewed, and accepted in accordance with the provisions of the National Environmental Policy Act as implemented by Departmental regulations for the preparation of environmental impact statements, and that the project meets the needs of the project sponsors, I propose to implement the Mississippi County Spillway Area Watershed project.

Dated: August 15, 1983.

Paul F. Larson,

State Conservationist, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 83-23080 Filed 8-22-83; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Application for Export Trade Certificate of Review: DMT World Trade, Inc.

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce has received an application for an Export Trade Certificate of Review. This notice summarized the conduct for which certification is sought and invites interested parties to submit information relevant to the determination of whether a certificate should be issued.

DATE: Comments on this application must be submitted on or before September 12, 1983.

ADDRESS: Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company affairs, International Trade Administration, Department of Commerce, Room 6711, Washington, D.C. 20230.

Comments should refer to this application as "Export Trade Certificate of Review, application number #83-00016."

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202/377-0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade Certifications of Review. A certificate of review protects its holder from civil and criminal liability under Federal and state antitrust laws for the

export trade, export trade activities and methods of operation specified in the certificate. A certificate of review is to be issued to any applicant that establishes that its specified export trade, export trade activities, and methods of operation will:

1. result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant,

2. not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant,

3. not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant, and

4. not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Office of Export Trading Company Affairs has received the following application for an Export Trade Certificate of Review:

Applicant: DMT World Trade, Inc.

Application: #83–00016.

Date received: August 2, 1983.

Dated deemed submitted: August 8, 1983.

Members in addition to applicant: DMT Corporation, Waukesha, WI.

Summary of application: DMT World Trade, Inc., a Wisconsin corporation with its principal office address at W229 N2494 Highway 164, Waukesha, Wisconsin 53186, submitted an application seeking certification for the following export trade activities and methods of operations for its export trade in primarily, but not limited to, countries in Latin Africa, Southeast Asia, and the Middle East.

A. Export Trade Activities

1. To purchase and export the following products which are manufactured by DMT Corporation or other manufacturers: (a) construction and related machinery, (b) mining machinery, (c) farm machinery and equipment, (d) motors and generators, (e) pumps and pumping equipment, and (f) motor vehicle parts and accessories.

2. To purchase and export similar products on a one time only or infrequent basis as required by overseas agents.

B. Methods of Operations

1. To enter into exclusive agency agreements with foreign persons for the products to be exported.

2. To enter into exclusive sales agreements with U.S. firms manufacturing or supplying the products to be exported.

The Office of Export Trading Company Affairs is issuing this notice in compliance with section 302(b)(1) of the Act which requires the Secretary to publish a notice of the application in the **Federal Register**. Interested parties have twenty (20) days from the publication of this notice in which to submit written information relevant to the determination of whether a certificate should be issued. Information submitted by any person in connection with this application will be exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552).

Dated: August 17, 1983.

Irving P. Margulies,

Deputy General Counsel.

[FR Doc. 83-23028 Filed 8-22-83; 8:45 am]

BILLING CODE 3510-25-M

[C–533–069]

Certain Iron-Metal Castings From India; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on certain iron-metal castings from India. The review covers the period January 1, 1980 through December 31, 1981.

As a result of the review, the Department has preliminarily determined the net subsidy to be 15.26 percent *ad valorem* for 1980 and 2.85 percent *ad valorem* for 1981. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Josephine Russo or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On August 20, 1980, the Department of Commerce ("the Department") published in the **Federal Register** (45 FR 55502) a final affirmative countervailing duty determination on certain iron-metal castings from India. The Department published a countervailing duty order on October 16, 1980 (45 FR 68650). On March 16, 1981, the Department announced its intent to conduct an administrative review of the order (46 FR 16921). As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of Indian manhole covers and frames, cleans-out covers and frames, and catch basin grates and frames. Such merchandise is currently classifiable under items 657.0950 and 657.0990 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1980 through December 31, 1981, and four programs: (1) a rebate upon export of indirect taxes under the Cash Compensatory Support Program ("CCS"); (2) pre-shipment export loans; (3) a tax deduction under the Export Markets Development Allowance; and (4) grants through the market Development Assistance Program. We also investigated allegations by the petitioner, Pinkerton Foundries, Inc., of additional subsidies through, among others, the sale of Import Replenishment Licenses, extension of the Kandla Free Trade Zone, and supply of raw materials at "subsidized" prices. We found no additional benefits other than those reflected in these preliminary results.

Analysis of Programs

(1) CCS Program

The Government of India introduced the CCS program in 1966 with the primary purpose of rebating upon exportation indirect taxes on merchandise. The rebates are paid as a percentage of the f.o.b. invoice price. We found in the 1980 final affirmative determination that the Indian government had not satisfactorily demonstrated the requisite linkage, prior to establishing the rate, between the indirect tax incidence on the product and the 12.5 percent CCS payment. Further, we stated that the actual tax incidence was not reasonable calculated and documented. We consequently held the full amount of the CCS payment countervailable. This rate of rebate

remained in effect during our 1980 review period. Therefore, for 1980, we preliminarily determine that the CCS program provided an *ad valorem* benefit equal to the entire 12.5 percent.

In 1981, the Indian government revised the rate of rebate for "sanitary" castings (including all merchandise covered by the order) based on a new study of the indirect tax incidence on the exported product. On January 29, 1981, the government established a rate of rebate of 5 percent *ad valorem* for shipments made on or after April 1, 1981. The Department reviewed during its December 1982/January 1983 verification official and company records supporting the revised rate of rebate. Based on the evidence, we preliminarily find that the requisite linkage exists in this case for shipments receiving the 5 percent rebate.

After reviewing evidence of the average indirect tax incidence on this merchandise for calendar year 1981, we find that such incidence is above the revised 5 percent rate of rebate. For shipments receiving that 5 percent rate, we have preliminarily found a zero subsidy. However, for rebates on shipments at the 12.5 percent rate during the first quarter of the year, we determine that the full 12.5 percent *ad valorem* benefit existed. We preliminarily determine the average net subsidy to be 1.35 percent *ad valorem* for the 1981 calendar year.

Since exports on or after April 1, 1981 are eligible only for the 5 percent CCS payment, we preliminarily conclude, for purposes of cash deposit of estimated countervailing duties, that an overrebate does not exist.

(2) Pre-Shipment Export Loans

The Reserve Bank of India, through commercial banks, provides pre-shipment or "packing" credit to exporters allowing them to purchase raw materials, packing materials, etc., based on presentation of a confirmed order or letter of credit. These loans have a sliding scale interest rate that varies with the elapsed time the loan is outstanding. In general, the loans are granted for a period of 90 to 180 days. During the review periods, the preferential rates of interest under this program ranged from 11 percent to 15 percent. The commercial interest rates for revolving credit lines and for short-term credit up to one year were 17 to 20 percent during these same years. Therefore, for calendar year 1980, we preliminarily find a net subsidy of 2.06 percent *ad valorem*. With respect to 1981, we preliminarily determine the net subsidy to be 1.34 percent *ad valorem*.

(3) Tax Deductions Under the Export Markets Development Allowance

Under Article 35B of the Finance Act, the Government of India allows exporters to deduct 133 percent of certain expenses related to market development. However, because the Indian government allows deduction of 100 percent of such expenses for non-export sales, we focus on the remaining 33 percent as the benefit. Exporters, in filing tax returns prior to 1981, overstated the absolute value of their Article 35B claims due to ambiguities in the law governing the types of allowable expenses. Consequently, Indian tax authorities regularly reduced Article 35B claims by a significant amount in reviewing the deductions. For 1980, we used information from final tax assessment orders, where available, to determine the subsidy rate. If no assessments were yet issued by the government, we used as best information the amount of the claim likely to be allowed based on prior years' assessments. We then multiplied the residual claim by the applicable income tax rate yielding the tax savings to the companies. Based on this calculation, we preliminarily determine a net subsidy of 0.69 percent *ad valorem* for 1980.

With respect to 1981, the Indian government reduced the number of allowable expenditures under Articles 35B, defining more stringently the remaining categories. Therefore, for 1981, we used the full amount of the Article 35B claims when computing the subsidy. We preliminarily determine a net subsidy of 0.16 percent *ad valorem* for that calendar year.

(4) Market Development Assistance Grants

The Indian government provides grants to exporters to cover expenses for foreign market study teams and promotional publications. During 1980, only one company received a grant under this program. We preliminarily determine that the net subsidy stemming from such assistance is 0.01 percent *ad valorem* for the calendar year. For 1981, no grants were received. Therefore, we preliminarily find no subsidy for that period.

Preliminary Results of the Review

As a result of the review, we preliminarily determine the aggregate net subsidy to be 15.26 percent *ad valorem* for the period January 1, 1980 through December 31, 1980, and 2.85 percent *ad valorem* for the period January 1, 1981 through December 31, 1981.

Section 707 of the Tariff Act provides that the difference between the deposit of an estimated countervailing duty and the final calculation of duty under a countervailing duty order shall be disregarded to the extent that the estimated duty is less than the final duty, and refunded to the extent that the estimated duty is higher than the final duty, for merchandise entered, or withdrawn from warehouse, for consumption before the date of the affirmative injury determination by the International Trade Commission, in this case, October 8, 1980 (45 FR 66915). The Department intends to instruct the Customs Service to assess countervailing duties at the appropriate rates for all shipments of the merchandise entered, or withdrawn from warehouse, for consumption on or after May 23, 1980, the date of the preliminary affirmative countervailing duty determination (45 FR 34945), and exported on or before December 31, 1980. With regard to 1981, countervailing duties of 2.85 percent of the f.o.b. invoice price shall be assessed for shipments exported on or after January 1, 1981 and on or before December 31, 1981.

Further, as provided for by section 751(a)(1) of the tariff Act, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 1.50 percent of the f.o.b. invoice price on any shipments of certain iron-metal castings from India entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: August 17, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-23048 Filed 8-22-83; 8:45 am]

BILLING CODE 3510-25-M

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes; University of Puget Sound, et al.

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 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 each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-202. Applicant: University of Puget Sound, 1500 N. Warner, Thompson Science Hall, Tacoma, WA 98416. Instrument: Electron Microscope, EM 109 and High Resolution Goniometer. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: See notice on page 27282 in the **Federal Register** of June 14, 1983. Application received by Commissioner of Customs: May 23, 1983.

Docket No. 83-203. Applicant: St. Luke's Episcopal Hospital, Texas Medical Center, 6720 Bertner Avenue, Houston, TX 77030. Instrument: Electron Microscope, EM 10CA. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: See notice on page 27282 in the **Federal Register** of June 14, 1983. Instrument Ordered: April 19, 1983.

Docket No. 83-217. Applicant: Walter Reed Army Institute of Research, Bldg. 40, 14th and Dahlia Streets, NW., Washington, DC 20307. Instrument: Electron Microscope, EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: See notice on page 28119 in the **Federal Register** of June 30, 1983. Instrument Ordered: March 5, 1983.

Docket No. 83-221. Applicant: Louisiana State University Medical Center, 1542 Tulane Avenue, New Orleans, LA 70112. Instrument: Electron Microscope, Model EM 410. Manufacturer: Nederlandse Philips Bedrijven, B.V., The Netherlands. Intended use of instrument: See notice on page 31277 in the **Federal Register** of July 7, 1983. Application received by Commissioner of Customs: June 8, 1983.

Docket No. 83-222. Applicant: Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, OH 44106. Instrument: Electron Microscope, Model EM 410. Manufacturer: N.V. Philips Gloeilampenfabrieken, The Netherlands. Intended use of instrument: See notice on page 31277 in **Federal Register** of July 7, 1983. Instrument Ordered: May 19, 1983.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each instrument establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each instrument described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign instruments to which the foregoing applications relate, for such purposes as these instruments are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-23047 Filed 8-22-83; 8:45 am]

BILLING CODE 3510-25-M

Numerically Controlled Machine Tool Technical Advisory Committee; Closed Meeting

SUMMARY: The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

Time and place: September 12, 1983, at 10:00 a.m., Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Ave., NW., Washington, D.C.

Agenda

The Committee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM Control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: A Notice of Determination to close meetings of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on September 29, 1981, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202-377-4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Telephone: (202) 377-2583.

Dated: August 18, 1983.

Milton M. Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 83-23137 Filed 8-22-83; 8:45 am]

BILLING CODE 3510-25-M

Telecommunications Equipment Technical Advisory Committee; Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held on September 13, 1983, at 10:00 a.m., Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Avenue, N.W., Washington, D.C. The Committee advises the Office of Export Administration with respect to technical questions which affect the level of export controls applicable to telecommunications equipment or technology.

The committee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

A Notice of Determination to close meetings or portions of meetings of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on September 29, 1981, in accordance with the Federal Advisory Committee Act.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and

copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202–377–4217.

For further information contact Mrs. Margaret Cornejo, 202–377–2583.

Dated: August 17, 1983.

Milton Baltas,

Director of Technical Programs Office of Export Administration.

[FR Doc. 83-23114 Filed 8-22-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council's Scientific and Statistical Committee and Advisory Panel; Public Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

SUMMARY: The Caribbean Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), has established a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP) which will meet jointly to examine and provide recommendations to the Council on the development of a fishery management plan for shallow-water reef fishes and on other related business.

DATES: The meeting will convene on Wednesday, September 7, 1983, at 9:30 a.m. and will adjourn at approximately 3:00 p.m., and is open to the public.

ADDRESS: The meeting will take place at Conference Room G–51, Federal Building, Chardon Street, Hato Rey, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, Telephone (809) 753–4926.

Dated: August 18, 1983.

Ann D. Terbush,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-23167 Filed 8-22-83; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), will hold public meetings to discuss the Bluefish Fishery Management Plan (FMP); the Squid, Mackerel and Butterfish FMP amendment; status of other FMP's; joint ventures; election of officers; as well as discuss other fishery management and administrative matters. The agenda for the meetings may be rearranged or changed or the meetings lengthened or shortened depending upon progress on the agenda items.

DATES: The public meetings will convene on Wednesday, September 14, 1983, at approximately noon and will adjourn on Friday, September 16, 1983, at approximately noon, and will take place at the Best Western Airport Inn, Philadelphia International Airport, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115—Federal Building, 300 South New Street, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: August 18, 1983.

Ann D. Terbush,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-23166 Filed 8-22-83; 8:45 am]

BILLING CODE 3510-22-M

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Proposed Collection of Information

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for approval of a collection of information in the form of a telephone survey to determine the extent of compliance with a voluntary standard being voted on by the American Society for Testing and Materials that would address the strangulation hazard associated with toy chests with hinged lids.

Information about the Proposed Collection of Information:

Agency address: Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

Title of information collection: Telephone Survey on Toy Chests.

The Commission has received reports of fatalities and two cases of permanent brain damage from strangulation caused when hinged toy chest lids fell on children's heads while the child is leaning into the chest. As the first step in the possible issuance of a mandatory standard to address this hazard, the Commission published an Advance Notice of Proposed Rulemaking (ANPR) concerning the strangulation risk that certain toy chests with hinged lids present to children (April 14, 1982; 47 FR 16041).

Among the comments received in response to the ANPR, some commenters, including the Toy Manufacturers of America (TMA), one manufacturer of toy chests, and the American Society for Testing and Materials (ASTM), supported development of a voluntary standard as opposed to a mandatory standard. Other commenters, including the Public Action Coalition on Toys, favored development of a mandatory standard.

On March 17, 1983, the Commission published a proposed ban of toy chests with hinged lids that do not meet certain testing requirements which would prevent free-falling lids from causing strangulation deaths of young children (March 17, 1983; 48 FR 11289). The Commission received 12 comments on the proposed ban. Six manufacturers responded and urged the Commission to support development of a voluntary standard. Some of the other six commenters supported a mandatory standard. One commenter urged the Commission to ban toy chests with hinged lids and, in the alternative recommended that the technical requirements in the proposed rule be made more stringent. The Commission has followed closely the efforts of TMA and the ASTM to develop a voluntary standard. The Commission has assisted these groups by providing technical information and injury data.

The Commission is presently considering all of this information in order to determine whether to go ahead with the mandatory ban.

The Commission, in a meeting on August 10, 1983, requested the staff to find out certain information on present production and plans for production during the remainder of 1983 and during 1984 of toy chests with hinged lids. The Commission needs to know the extent to which the industry has produced and has on hand, or plans to produce during the remainder of 1983 and in 1984, toy chests with hinged lids which would comply with the requirements of either the proposed mandatory ban or the

voluntary standard under development. The Commission would also like to know the extent to which manufacturers are testing toy chests with hinged lids to determine whether they comply with these requirements. This information will enable the Commission, at a meeting on August 17, decide whether to publish a final mandatory ban, to withdraw the proposed ban, or to defer a decision until the extent of actual future industry compliance with the voluntary standard can be determined.

The information sought by the Commission is only available by inquiring of the 23 manufacturers of toy chests with hinged lids what their production plans are and what their inventory of toy chests with hinged lids is now. The Commission estimates that it will take each of the manufacturers no more than 2 hours to answer the questions since information on current inventory is generally maintained by industry; records kept by manufacturers on planned production would be the source of the remainder of the information requested.

The cost to the Commission of collecting this information is about $5,000.

The Commission plans to collect this information through a telephone survey of the 23 manufacturers.

Type of request: Approval of a new plan.

Frequency of collection: One time.

General description of respondents: Manufacturers of toy chests with hinged lids.

Estimated average number of hours per response: 2.

Comments: Comments on this proposed collection of information should be addressed to Gwen Pla, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, telephone: (202) 395-7313. Copies of the proposed collection of information are available from Francine Shacter, Office of Budget, Program Planning, and Evaluation, Consumer Product Safety Commission, Washington, D.C. 20207, telephone: (202) 492-6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: August 11, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-23081 Filed 8-22-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Women in the Services (DACOWITS); Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held 16-20 October 1983 at the Holiday Inn, Jacksonville, North Carolina.

The purpose of the DACOWITS Committee is to assist and advise the Secretary of Defense on matters relating to women in the Services. The Committee meets semiannually.

Sessions will be conducted daily as indicated and will be open to the public. The agenda will include the following meetings and discussions:

Sunday, 16 October 1983—Holiday Inn, Jacksonville

11:00 a.m.-4:00 p.m.—Registration
2:30 p.m.-3:30 p.m.—Executive Committee Meeting
4:00 p.m.-4:30 p.m.—Chair's Procedural Session for all DACOWITS Members, Former Members, and Military Representatives
4:30 p.m.-6:30 p.m.—Subcommittee Meetings
7:00 p.m.-8:30 p.m.—"No-Host" Cocktail Buffet

Monday, 17 October 1983—Camp Lejeune Commissioned Officers Mess (Open)

8:00 a.m.-8:45 a.m.—Official Opening
9:00 a.m.-12:00 noon—OSD/Service Briefings
12:00 noon-1:30 p.m.—Official Department of Defense Luncheon (By invitation only)

Holiday Inn, Jacksonville

2:00 p.m.-2:45 p.m.—OSD/Service Briefings
3:00 p.m.-5:30 p.m.—Subcommittee Meetings

Camp Lejeune Commissioned Officers Mess (Open)

7:00 p.m.-10:30 p.m.—Official Department of Defense Reception and Dinner (By invitation only)

Tuesday, 18 October 1983—Camp Lejeune

9:00 a.m.-8:00 p.m.—Field Trip to Camp Lejeune, North Carolina

Wednesday, 19 October 1983—Holiday Inn, Jacksonville

8:45 a.m.-11:15 a.m.—OSD/Service Briefings
11:30 a.m.-1:00 p.m.—"No-Host" Luncheon
1:15 p.m.-2:45 p.m.—OSD/Service Briefings
2:45 p.m.-3:15 p.m.—Presentations by Members of the Public
3:15 p.m.-4:00 p.m.—OSD/Service Briefings
4:15 p.m.-6:45 p.m.—Subcommittee Meetings

Thursday, 20 October 1983—Holiday Inn, Jacksonville

8:00 a.m.-10:30 a.m.—General Business Session—Adjourn

The following rules and regulations will govern the participation by members of the public at the meeting:

(1) Members of the public will not be permitted to go on the field trip or attend the official social functions.

(2) All business sessions, to include the Executive Committee Meetings, will be open to the public.

(3) Interested persons may submit a written statement and/or make an oral presentation for consideration by the Committee during the meeting.

(4) Persons desiring to make an oral presentation or submit a written statement to the Committee must notify Captain Marilla J. Brown, USA, DACOWITS Executive Secretary, OASD (Manpower, Reserve Affairs and Logistics), Room 3D769, the Pentagon, Washington, D.C. 20301, (202) 697-2122 by 29 September 1983.

(5) Length and number of oral presentations to be made will depend on the number of requests received from the members of the public.

(6) Oral presentations by members of the public will be permitted only from 2:45 p.m. to 3:15 p.m. on Wednesday, 19 October 1983, before the full Committee.

(7) Each person desiring to make an oral presentation or submit a written statement must provide the DACOWITS Secretariat with 60 copies of the presentation/statement by 29 September 1983.

(8) Persons submitting a written statement only for inclusion in the minutes of the meeting must submit one (1) copy either before or during the meeting or within five (5) days after the close of the meeting.

(9) Other new items from members of the public may be presented in writing to any DACOWITS member for transmittal to the DACOWITS Chair of Executive Secretary to consider, as feasible.

(10) Members of the public will not be permitted to enter into oral discussion conducted by the Committee members at any of the sessions; however, they will be permitted to reply to questions

directed to them by the members of the Committee.

(11) Members of the public will be permitted to orally question the scheduled speakers if recognized by the Chair and if time allows after the official participants have asked questions and/or made comments.

(12) Questions from the puiblic will not be accepted during the Subcommittee Sessions, the Executive Committee Meetings, or the Business Session on Thursday, 20 October 1983.

Additional information regarding the Committee and/or this meeting may be obtained by contacting the DACOWITS Executive Secretary, OASD (MRA&L), the Pentagon, Room 3D769, Washington, D.C. 20301, (202) 697-2122.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

August 18, 1983.

[FR Doc. 83-23143 Filed 8-22-83; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

August 22, 1983.

The USAF Scientific Advisory Board Strategic Cross-Matric Panel Ad Hoc Committee on the Small Missile will meet at Andrews Air Force Base, Maryland on September 7, 1983.

The purpose of the meeting will be to present the outbrief of the Committed report to Air Force officials. The meeting will convene at 8:00 a.m. to 5:00p.m.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Office.

FR Doc. 83-23291 Filed 8-22-83; 11:17 am]

BILLING CODE 3910-01-M

DEPARTMENT OF EDUCATION

National Advisory Council on Bilingual Education; Meeting

AGENCY: National Advisory Council in Bilingual Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Bilingual Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: September 15, 1983—Orientation and Briefing 9 a.m.–5 p.m. September 16, 1983—Business Meeting 9:00 a.m.–5:00 p.m.

ADDRESS: The Orientation and Briefing on September 15, 1983 will be held in Washington, DC. The Business meeting on September 16, 1983 will also be in Room 403 of the Reporter's Building.

FOR FURTHER INFORMATION CONTACT: Ramon Ruiz, Designated Federal Official, Room 421, Reporter's Building, 400 Maryland Avenue SW., Washington, DC 20202. (202) 245-2600.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 3242). The Council is established to advise the Secretary of the Department of Education concerning matters arising in the administration of the Bilingual Education Act and other laws affecting the education of limited English proficient populations.

The meeting of the Council is open to the public. The proposed agenda includes the following:

September 15, 1983—New members will be sworn-in and will receive an orientation. Following this, the Full Council will receive a briefing on activities that have taken place in the past six months.

September 16, 1983—The agenda for the Business Meeting includes:

I. Introductions
II. Old Business
III. New Business
—Annual Report
—Plans for the Year
—Committee Structures
—Preparation for Public Hearings.

Dated: August 15, 1983.

Jesse M. Soriano,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 83-23025 Filed 8-22-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TA83-2-31-006]

Arkansas Louisiana Gas Co., a Division of Arkla, Inc.; Notice of Filing

August 18, 1983.

Take notice that on August 12, 1983, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Arkla), submitted a filing to correct a typographical error in one of the tariff sheets transmitted with the filing of August 10, 1983, as follows:

(1) The designation in the upper right-hand corner of "3rd Revised Sheet No. 187C Superseding 2nd Revised Sheet No. 187C" should have read "4th Revised Sheet No. 187C, Superseding 3rd Revised Sheet No. 187C" and corrected copies of a tariff sheet are attached to the filing with the request that they be substituted for the incorrectly numbered sheet as just indicated.

(2) The instant letter also refers to the identification of the same sheet on Page 2 of the August 10, 1983 filing and requests that a similar change be noted on said Page 2 so that the reference to Sheet No. 187C will be "4th Revised Sheet No. 187C, Superseding 3rd Revised Sheet No. 187C" instead of "3rd Revised Sheet No. 187C, Superseding 2nd Revised Sheet No. 187C."

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before August 31, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23136 Filed 8-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-31-005]

Arkansas Louisiana Gas Co., a Division of Arkla, Inc.; Compliance Filing

August 18, 1983.

Take notice that on August 10, 1983, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Arkla), tendered for filing, in compliance with the Commission's order of March 31, 1983, Arkla's FERC Gas Tariff, First Revised Volume No. 1:

6th Revised Sheet No. 12B superseding 5th Revised Sheet No. 12B
7th Revised Sheet No. 12C superseding 6th Revised Sheet No. 12C
7th Revised Sheet No. 12D superseding 6th Revised Sheet No. 12D
4th Revised Sheet No. 12E superseding 3rd Revised Sheet No. 12E
3rd Revised Sheet No. 12F superseding 2rd Revised Sheet No. 12F

4th Revised Sheet No. 12G superseding 3rd Revised Sheet No. 12G
4th Revised Sheet No. 12H superseding 3rd Revised Sheet No. 12H
2nd Revised Sheet No. 12I superseding 1st Revised Sheet No. 12I

Arkla states that the only changes in the text effected by the above revised tariff sheets is the insertion of language to reflect inclusion of company owned production priced at NGPA levels, and language to reflect the handling of minimum bill collections as per the March 31, 1983 order. According to Arkla, it was necessary to retype a number of the sheets in the tariff, however, to adapt the structure of the rate schedules to accommodate the insertion of the additional language into the text of earlier pages.

The filing also tendered for filing in Arkla's FERC Gas Tariff, Original Volume No. 3:

3rd Revised Sheet No. 187A superseding 2nd Revised Sheet No. 187A
3rd Revised Sheet No. 187B superseding 2nd Revised Sheet No. 187B
3rd Revised Sheet No. 187C superseding 2nd Revised Sheet No. 187C
2nd Revised Sheet No. 187D superseding 1st Revised Sheet No. 187D

Arkla states that the only changes in the narrative text are the same as the changes made in the narrative text of the revised sheets referred to above in First Revised Volume No. 1.

The filing also transmitted a refund report recording payment of refund necessitated by overcollection of unpaid accruals in accordance with the procedure agreed to be Staff and Arkla personnel at the meeting at the Commission on June 23, 1983.

Also, in accordance with the Staff's suggestion at the June 23, 1983 meeting referred to above, the instant filing recorded Arkla's commitment that if Arkla receives revenues attributable to minimum bill payments and collections from any of its non-jurisdictional customers, Arkla will also reflect those revenues in its total system support costs for account 191 computations.

Arkla states that this filing constitutes complete compliance with all remaining requirements of the Commission's order of March 31, 1983.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before August 31, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23125 Filed 8-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-6-000]

Colorado Oil & Gas Conservation Commission; Order Reopening Section 107(c)(5) NGPA Well Category Determination

August 12, 1983.

Before Commissioners: Georgiana Sheldon, Acting Chairman; J. David Hughes, A. G. Sousa and Oliver G. Richard III.

On November 18, 1982, Colorado Interstate Gas Company (CIG) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen the final well category determinations that gas from five wells operated by Davis Drilling, Inc. (Davis) [1] qualifies for the maximum lawful price for production enhancement gas set by § 271.704 of the Commission's regulations and section 107(c)(5) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301, 3317(c)(5), (Supp. V 1982). The Commission received notice of the determinations by the Colorado Oil & Gas Conservation Commission (Colorado) on May 14, 1982. On December 30, 1982, the Commission issued a Notice of Petition to Reopen Section 107(c)(5) NGPA Well Category Determination. 48 FR 690 (January 6, 1983).

Davis and Geo Dyne Resources (Geo Dyne) filed timely motions to intervene on February 7, 1983 and February 4, 1983 respectively. Since no answers in opposition to these motions to intervene have been filed, Davis and Geo Dyne are parties to this proceeding pursuant to Rule 214 of the Rules of Practice and Procedure.

Background

CIG, an insterstate pipeline, purchases gas produced from wells operated by Davis from Geo Dyne, a gatherer-reseller. Geo Dyne is the successor to another reseller, Baca Gathering Company (Baca). Baca negotiated for the subject production enhancement incentive price with Davis. CIG was not a party to the renegotiation process. CIG alleges that Davis' applications for production enhancement determination for the subject wells contained an "untrue statement of material fact" relied upon by Colorado or the Commission and "omitted a statement of material fact necessary in order to make the statements made not misleading, in light of the circumstances under which they were made" to Colorado or the Commission *See* § 275.205(a) of the regulations.

CIG alleges that when Davis renegotiated its contract with Baca, it agreed to pay Baca 50 percent of the difference between the section 107(c)(5) production enhancement ceiling price and the otherwise applicable contract price as a gathering and compression allowance. No such allowance was payable under the contract as it existed on November 9, 1978, the date of enactment of the NGPA. In their motions to intervene, both Davis and Geo Dyne confirmed that such an arrangement had been negotiated by Davis and Baca at the time they renegotiated the contract to provide for collection of the production enhancement incentive price. Section 107(b) of the NGPA requires that an incentive price set by the Commission under section 107(c)(5) be "necessary to provide reasonable incentives for the production of such high-cost gas." CIG argues that the payment by Davis of the gathering and compression fee, linked to the collection of the incentive ceiling rate, makes the full incentive price unnecessary to perform the production enhancement work since Davis, in effect, performed the work for only one-half of the price increase. CIG contends that these material facts were omitted from Davis' application for determination and additionally suggests that the oath statements required by § 274.205(f)(7) and (8) of the regulations are untrue in light of these facts.[2]

Davis answered that it met the tests set by the Commission's regulations implementing section 107(c)(5) and, therefore, the full incentive maximum lawful price is necessary. Davis secured

[1] Baugman Farms No. 1-5 Well, JD No. 8222170; Burchfield No. 1-4 Well, JD No. 8222171; Ernsting No. 1-28 Well, JD No. 8222172; Farmer No. 1-34 Well, JD No. 8222173; Self No. 1-9 Well, JD No. 8222174.

[2] In order to help insure that the production enhancement incentive price is "necessary." § 274.205(f)(7) and (8) of the regulations require the applicant for a production enhancement incentive price to make several statements under oath, including, *inter alia:* "(f)(7)(iii) But for the availability of a price at least as high as the renegotiated price . . ., the production enhancement work would not have been or will not be performed; . . . (vi) The applicant has no knowledge of any other information not described in the application which is inconsistent with these statements. . . ."

a renegotiated contract price which allegedly meets the "unit cost cap" test as set out in Order No. 107.[3] It supplied the portion of the contract authorizing collection of the incentive price. The regulations do not specifically require further contract excerpts. Davis contends that the sworn statements are not misleading and fully conform with the regulations. In short, Davis argues that it has complied with the regulations and therefore it sees no cause for reopening. Furthermore, Davis argues that its agreement to pay a gathering and compression allowance is a discretionary use of its funds and is indistinguishable from using its proceeds to pay for other services.

Geo Dyne alleges, in its motion to intervene, that CIG instituted this proceeding to avoid payment of the higher incentive price which it is not now paying.[4] Geo Dyne fears that CIG ultimately is seeking a direct purchase contract with Davis. Geo Dyne requests that CIG be required to pay the section 107(c)(5) incentive price subject to refund pending the outcome of the reopening proceeding.

Finally, the determination of the "unit cost cap" in Davis' application was based on stated contract price of $.67 per Mcf. A review of the pleadings and accompanying documents in this docket failed to disclose a contract provision, in existence on the date of enactment of the NGPA, November 9, 1978, which provides contractual authority for Davis to collect $.67 per Mcf for its gas. The only contracts submitted indicate that the price on that date was $.21 per Mcf. No pre-enactment amendment increasing that price is in the current record. Post-enactment amendments to increase the price paid for the gas, aside from production enhancement renegotiation, would violate the pricing provisions of section 105 of the NGPA. Using the $.21 per Mcf rate as a base, and the section 109 price as the ceiling price, three of the wells, the Burchfield 1–4, Farmer 1–34 and Self 1–9, fail to meet the unit cost gas test established in § 271.704(c)(2).

[3] *See* § 271.704(c)(2). The unit cost cap test requires that the projected increase in revenues attributable solely to projected increase in production does not exceed a price in excess of 200 percent of the ceiling price for gas produced from new onshore production wells under NGPA section 103. At the prices listed by Davis on the Form 121 for the subject wells, the section 109 price satisfies the cost cap. As will be discussed *infra*, however, the contracts submitted by Davis include a lower price than that alleged. Three of the five wells would not qualify for the section 109 price based on this lower contract price.

[4] CIG's May 5, 1980 contract to purchase gas from Geo Dyne's predecessors provides, at section 5.1(a), that CIG shall pay maximum lawful prices.

Discussion

CIG alleges that, although Davis appears to have complied with the regulations in filing for the production enhancement price, Davis' arrangement with Geo Dyne appears contrary to the statutory requirement that a section 107(c)(5) incentive price be "necessary to provide reasonable incentives." The ability to scrutinize arrangements that are at least superficially in compliance with the Commission's regulations is part of the Commission's inherent powers to enforce and prevent circumvention of the NGPA. *See* section 2(21)(A)(v), 501(a), 504 and 601(c).

Reopening is warranted by the substantial issue of whether there were in fact untrue statements or omissions of material fact in Davis' determination filings which would have resulted in a different ruling by Colorado or the Commission. The additional possibility of a pricing discrepancy discovered by the Staff encourages us to reopen. Reopening will allow all parties, as well as the jurisdictional agency, to argue their respective position and will build a record enabling the Commission to make a reasoned decision on whether to vacate the determination.

The Commission therefore orders that the subject well category determinations are reopened pursuant to sections 501(a) and 503(d) of the NGPA and § 275.205 of the regulations so that the matters raised can be fully considered and appropriate action taken. Any additional facts or arguments or requests for hearing should be submitted to the Commission within 30 days after the publication of this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 83-23124 Filed 8-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP72-300-014]

Consolidated Gas Supply Corp., and Columbia Gas Transmission Corp.; Petition To Amend

August 19, 1983.

Take notice that on July 29, 1983, Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, and Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP72-300-014 a petition to amend the order issued October 24, 1972 (48 FPC 872), in Docket No. CP72-300, as amended, so as to authorize the exchange of natural gas between Petitioners at four additional delivery points, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By order issued October 24, 1972, Petitioners were authorized to exchange natural gas at various delivery points. The amending orders of November 2, 1977, October 4, 1978, May 6, 1980, April 1, 1981, and February 25, 1982, authorized the exchange of natural gas between Petitioners at certain additional delivery points and the implementation of certain operational changes with respect to the exchange.

Petitioners request further amendment of the October 24, 1972, order, as amended, to authorize the addition of several new delivery points. First, Columbia proposes to deliver to Consolidated up to 100 Mcf of gas per day at an additional delivery point in Jackson County, West Virginia. The gas Columbia would deliver is local production which Columbia has arranged to purchase from an independent producer, it is indicated.

Second, Consolidated proposes that Columbia deliver to it up to 30 Mcf of gas per day in Wetzel County, West Virginia, in order that Hope Natural Gas Company, Consolidated's West Virginia distribution division, may serve existing consumers in the community of Reader, following the upgrading of Consolidated's near-by transmission facilities as authorized in Docket No. CP81-179-000.

Third, Columbia proposes that it deliver to Consolidated up to 18,000 Mcf of gas per day in Boone County, West Virginia, and, fourth, that Consolidated deliver to Columbia an equivalent amount of gas amount by displacement at a southerly point on the same line, in Wyoming County, West Virginia.

Finally, Petitioners propose to amend their exchange agreement by the deletion of certain language in order to reflect more clearly the current understanding between them.

Petitioners state that all necessary facilities would be constructed and operated under Consolidated's and Columbia's blanket certificates for routine activities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 9, 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. 83-23126 Filed 8-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 5531-999, et al.]

Hydro Resources Co., et al.; Public Meeting

August 17, 1983.

The Federal Energy Regulatory Commission has before it a number of applications for hydropower development in the Hamma Hamma River Basin. In response to petitions to the Commission to consider the cumulative environmental effects of hydropower in the basin, the Commission staff will hold a public meeting from 1:00 p.m. to 4:00 p.m. on September 29, 1983, in Room 566 of the Federal Building at 915–2nd Avenue, Seattle, Washington.

The purpose of the meeting will be to determine the scope and validity of the issues involved. Emphasis will be upon technical verification of the various contentions. For example, what resource would be impacted by cumulative effects, where, how, and to what extent? Participants should be prepared to file written comments at the meeting or within two weeks thereafter. Written comments should be sent to Mr. Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. In order to coordinate the meeting and ensure that all verbal presentations are heard, all interested persons who wish to speak longer than 10 minutes should notify Marilyn Gossel at (202) 357–8020 at least seven days prior to the meeting.

For further information please contact Linda Lee, (202) 357–8486, or Marilyn Gossel, (202) 357–8020 or Frank Karwoski, (202) 376–1761.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23120 Filed 8-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 3486-999, et al.]

Kittitas Public Utility District No. 1, et al.; Public Meeting

August 19, 1983.

The Federal Energy Regulatory Commission has before it a number of applications for hydropower development in the Yakima River Basin. In response to petitions to the Commission to consider the cumulative environmental effects of hydropower in the basin, the Commission staff will hold a public meeting at 1:00 p.m. on September 28, 1983, in the Yakima National Guard Armory Gym at 202 South Third Street, Yakima, Washington 98902.

The purpose of the meeting will be to determine the scope and validity of the issues involved. Emphasis will be upon technical verification of the various contentions. For example, what resource would be impacted by cumulative effects, where, how, and to what extent? Participants should be prepared to file written comments at the meeting or within two weeks thereafter. Written comments should be sent to Mr. Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. In order to coordinate the meeting and ensure that all verbal presentations are heard, all interested persons who wish to speak longer than 10 minutes should notify Marilyn Gossel at (202) 357–8020 at least seven days prior to the meeting.

For further information please contact Linda Lee (202) 357–8486, or Marilyn Gossel (202) 357–8020 or Frank Karwoski (202) 376–1761.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23127 Filed 8-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-455-000]

Natural Gas Pipeline Company of America; Request Under Blanket Authorization

August 19, 1983.

Take notice that on August 4, 1983, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP83–455–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Natural proposes to construct and operate an additional sales tap under the authorization issued in Docket No. CP82–402–000 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.

Natural proposes to construct and operate a new sales tap on the Calumet No. 3 lateral in Cook County, Illinois, necessary to deliver up to 900 Mcf of gas per day to its customer, The Peoples Light and Coke Company (Peoples), for resale to IKO Manufacturing. It is stated that the Calumet No. 3 is owned by Peoples and leased to Natural which operates the line as a part of its interstate system. It is further stated that Natural would install a 2-inch tap connection at an estimated cost of $11,000. Peoples would reimburse Natural for the cost of construction, it is averred. The proposed sales tap would not cause detriment or disadvantage to Natural's other customers, it is asserted. Volumes of gas delivered at this sales tap would be within the limitations of Peoples' existing entitlements and daily contract quantities under Rate Schedule DMQ–1, it is further asserted.

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 allwoed 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. 83-23128 Filed 8-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-448-000]

Northwest Central Pipeline Corp.; Request Under Blanket Authorization

August 19, 1983.

Take notice that on July 29, 1983, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP83–448–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Northwest Central proposes to construct, and install a new delivery point in Hutchinson, Kansas, for sale and delivery of gas to The Gas Service Company (Gas Service), under

the authorization issued in Docket No. CP82–479–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request of file with the Commission and open to public inspection.

Northwest Central states Gas Service has requested this additional delivery point in order to serve better the area and to make a sale of gas to a sewage disposal plant operated by the city. It is stated that the projected delivery of gas through these facilities is less than 50,000 Mcf per year with a maximum peak load of 5 Mcf per hour at 25 psig. The estimated cost of these facilities is stated to be $5,620, which would be paid from treasury cash.

Nortwest Central states that this change is not prohibited by an existing tariff and it has sufficient capacity to accomplish the deliveries specified without detriment or disadvantage to its other customers.

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 allwoed 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. 83–23129 Filed 8–22–83; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 6617–999, et al.]

Olympus Energy Corp.; Public Meeting

August 17, 1983.

The Federal Energy Regulatory Commission has before it a number of applications for hydropower development in the Dungeness River Basin. In response to petitions to the Commission to consider the cumulative environmental effects of hydropower in the basin, the Commission staff will hold a public meeting from 4:00 p.m. to 6:30 p.m. on September 29, 1983, in Room 566 of the Federal Building at 915–2nd Avenue, Seattle, Washington.

The purpose of the meeting will be to determine the scope and validity of the issues involved. Emphasis will be upon technical verification of the various contentions. For example, what resource would be impacted by cumulative effects, where, how, and to what extent? Participants should be prepared to file written comments at the meeting or within two weeks thereafter. Written comments should be sent to Mr. Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. In order to coordinate the meeting and ensure that all verbal presentations are heard, all interested persons who wish to speak longer than 10 minutes should notify Marilyn Gossel at (202) 357–8020 at least seven days prior to the meeting.

For further information please contact Linda Lee (202) 357–8486, or Marilyn Gossel (202) 357–8020 or Frank Karwoski (202) 376–1761.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–23121 Filed 8–22–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER83–683–000]

Pacific Gas and Electric Co.; Filing

August 17, 1983

The filing Company submits the following:

Take notice that on August 16, 1983, Pacific Gas and Electric Company (PG&E) tendered for filing, as an initial rate schedule, a contract entitled "Interconnection Agreement Between Pacific Gas and Electric Company and Northern California Power Agency, City of Alameda, City of Biggs, City of Gridley, City of Healdsburg, City of Lodi, City of Lompoc, City of Palo Alto, City of Roseville, City of Ukiah, and Plumas Sierra Rural Electric Cooperative" ("the Interconnection Agreement").

PG&E states that the Interconnection Agreement which was executed on July 29, 1983, provides the Northern California Power Agency (NPCA) with firm and interruptible transmission service, partial requirements power, emergency power, maintenance power, short-term firm power, Geysers curtailment power and reserves, all pursuant to the terms and conditions specified in the Interconnection Agreement. The term of the Interconnection Agreement is 30 years from its effective date, unless terminated earlier on not less than three years advance written notice of termination by either PG&E or NCPA. In addition, PG&E, NCPA, the Cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Roseville, Ukiah and the Plumas Sierra Rural Electric Cooperative ("NCPA Member Customers") have agreed to a comprehensive rate settlement conversing service under the Interconnection Agreement from the effective date of the Interconnection Agreement through December 31, 1985.

Copies of this filing were served upon the Public Utilities Commission of the State of California, the Northern California Power Agency, the Cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Roseville and Ukiah, California, and the Plumas Sierra Rural Electric Cooperative.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 29, 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. 83–23119 Filed 8–22–83; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 135–99; et al.]

Portland General Electric Co., et al.; Public Meeting

August 19, 1983.

The Federal Energy Regulatory Commission has before it a number of applications for hydropower development in the Willamette River Basin. In response to petitions to the Commission to consider the cumulative environmental effects of hydropower in the basin, the Commission staff will hold a public meeting at 1:00 p.m.–5:00 p.m. on September 27, 1983, in the Auditorium of the Bonneville Power Administration Building at 1002 NE. Holiday Street, Portland, Oregon.

The purpose of this meeting will be to detemine the scope and validity of the issues involved. Emphasis will be upon technical verficiation of the various contentions. For example, what resource would be impacted by cumulative effects, where, how, and to what extent? Participants should be prepard to file

written comments at the meeting or within two weeks thereafter. Written comments should be sent to Mr. Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. In order to coordinate the meeting and ensure that all verbal presentations are heard, all interested persons who wish to speak longer than 10 minutes should notify David Boergers at (202) 357–8422 at least seven days prior to the meeting.

For further information please contact David Boergers, (202) 357–8492; Joseph Vasapoli, (202) 357–5630; or Ron McKitrick, (202) 376–9061.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23130 Filed 8-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-451-000]

Southern Natural Gas Co.; Request Under Blanket Authorization

August 19, 1983.

Take notice that on August 1, 1983, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP83-451-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Southern proposes to abandon certain lateral facilities located in Floyd County, Georgia, under the authorization issued in Docket No. CP82-406-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Southern states that it currently is replacing a segment of its 6-inch Rome Calhoun Lateral Line in Floyd County, Georgia, and that the replacement of this section, however, isolates Southern's Rome No. 3 Meter Station and its Shannon Meter Station located in Floyd County, Georgia, from its main pipeline facilities. Southern states that to enable Southern to continue to deliver gas to these stations during the subject replacement operations, Southern requested The Water, Light and Sinking Fund Commission of the City of Dalton, Georgia (Dalton), to accept certain additional quantities of gas for transportation at Southern's Dalton No. 1 Meter Station and to redeliver said quantities of gas at a temporary point of interconnection installed by Southern in the immediate vicinity of the Shannon Meter Station. It is explained that Dalton agreed to perform this transportation service for Southern and that to effectuate the transportation arrangment, Southern installed certain temporary lateral and related facilities to interconnect the pipeline facilities of Southern and Dalton near Southern's Shannon Meter Station. Once the replacement operations are completed, Southern proposes to abandon by removal the subject lateral and related facilities.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commision, 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. 83-23131 Filed 8-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-456-000]

Southern Natural Gas Co.; Application

August 19, 1983.

Take notice that on August 4, 1983, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP83-456-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain compressor units and appurtenant facilities located at Applicant's Lacombe Compressor Station (Lacombe) in St. Tammany Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon the compression and certain appurtenant facilities located at its Lacombe Compressor Station including, specifically, three 2,500 horsepower Cooper-Bessemer aircraft-type jet turbine-driven centrifugal compressor units, engine foundations and miscellaneous valves and piping. Applicant explains that because of the decline in deliverability from reserves located upstream of Lacombe, the subject compressor units are no longer required by Applicant to transport the quantities of gas available to Applicant on the east leg of its South Louisiana Supply System, the portion of Applicant's system affected by this abandonment application. Applicant states that the abandonment of the facilities as proposed would enable Applicant to reduce its operation and maintenance costs without affecting the salable capacity of Applicant's pipeline system. Applicant further asserts that the third unit for which Applicant requests abandonment authorization would be relocated at Applicant's McConnells Compressor Station (McConnells) in Tuscaloosa County, Alabama, where Applicant plans to install the unit solely for use by Applicant as a standby unit on occasions when the 2,500 Cooper-Bessemer aircraft-type jet turbine-driven centrifugal compressor unit presently located at McConnells become inoperative.

Applicant proposes to retain and continue to utilize certain gas scrubbing equipment, liquid storage tanks and appurtenant facilities which are presently located at Lacombe for the removal of liquids accumulating in its pipeline system upstream of Lacombe.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferrd upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience

and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23132 Filed 8-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 7212-999, et al.]

Town of Sultan, Washington, et al.; Public Meeting

August 19, 1983.

The Federal Energy Regulatory Commission has before it a number of applications for hydropower development in the Wenatchee River Basin. In response to petitions to the Commission to consider the cumulative environmental effects of hydropower in the basin, the Commission staff will hold a public meeting from 9:00 a.m. to 12:00 noon on September 28, 1983, in the Yakima National Guard Armory Gym at 202 South Third Street, Yakima, Washington 98902.

The purpose of the meeting will be to determine the scope and validity of the issues involved. Emphasis will be upon technical verification of the various contentions. For example, what resource would be impacted by cumulative effects, where, how, and to what extent? Participants should be prepared to file written comments at the meeting or within two weeks thereafter. Written comments should be sent to Mr. Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. In order to coordinate the meeting and ensure that all verbal presentations are heard, all interested persons who wish to speak longer than 10 minutes should notify Marilyn Gossel at (202) 357-8020 at least seven days prior to the meeting.

For further information please contact Linda Lee (202) 357-8486, or Marilyn Gossel (202) 357-8020 or Frank Karwoski (202) 376-1761.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23134 Filed 8-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-121-000]

Texas Gas Pipe Line Corp.; Notice of Filing

August 18, 1983.

Take notice that on August 5, 1983, Texas Gas Pipe Line Corporation (Texas Gas) tendered for filing, pursuant to Sections 154.26, 154.38, 154.51 of the Commission's Regulations, copies of its FERC Gas Tariff, Second Revised Volume No. 1, pages 19 through 25, to be effective December 24, 1980, which is the issue date of FERC order granting to Texas Gas an exemption status as concerns incremental accounting per the regulations. Pages 23, 24 and 25 have been reserved for future contingencies.

Texas Gas states that the revised pages are tendered for filing as a result of the Order exempting Texas Gas from incremental accounting. These pages have had the incremental accounting language deleted therefrom. Consistent with the instructions within the order, potential incremental cost data is furnished to its customers monthly.

Texas Gas also states that copies of the filing have been furnished to the purchasers under this tariff.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before August 31, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23133 Filed 8-22-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-443-000]

Trunkline LNG Co.; Application

August 19, 1983.

Take notice that on July 25, 1983, Trunkline LNG Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP83-443-000 an application pursuant to Section 3 of the Natural Gas Act for authorization to import liquefied natural gas (LNG) from Algeria pursuant to a first amendment, dated August 6, 1982, as revised July 3, 1983, to the contract of sale and purchase of LNG (supply agreement), dated September 17, 1975, between Applicant and L'Enterprise Nationale SONATRACH (Sonatrach), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that the principal changes proposed by this amendment are (1) a reduction of the annual contract quantities for the first two contract years subject to being taken in the third through tenth contract years, which Applicant asserts would substantially reduce the take-or-pay obligations for the period April, 1983, through November 30, 1984; (2) permanent revisions of the supply agreement to provide more flexible terms for make-up of any volumes paid for but not taken, including lengthening the make-up period from three to five years; and (3) change of the formula for adjustments of the price of LNG FOB Algeria to reflect, on a quarterly basis, any increase or decrease in the official posted prices of a basket of five foreign crude oils as compared to the third quarter of 1982.

It is explained that under the first amendment the annual contract quantities of 45 billion thermies that must be taken or paid for are reduced by 40 percent over the twenty-month period from April 1, 1983, through the end of the second contract year on November 30, 1984. Thus, the annual contract quantities are reduced to 33 billion thermies for the first contract year ending November 1983 and to 27 billion thermies for the second contract year.

The total reduction of 30 billion thermies, it is stated, is rescheduled to be taken as promptly as possible over the third through tenth contract years, from December 1984 through November 1992, after the annual contract quantity and any make-up for prior years have been taken first. Additionally, Applicant asserts, the general provisions for make-up of any annual quantities paid for but not taken are liberalized in three ways. First, the make-up period is extended from three to five years. Second, Sonatrach agrees to use its best efforts to supply any requests by Applicant for make-up quantities in addition to those permitted by the original terms of the supply agreement.

It is further explained that the first amendment provides that FOB price of $3.92 per MMBtu that was in effect on December 23, 1982, under the unrevised Article VIII of the supply agreement shall be increased or decreased at the beginning of each calendar quarter thereafter to reflect, dollar for dollar, any change in the daily average of the

official posted prices for a basket of five foreign crude oils between the third quarter of 1982 and the quarter of a calendar year immediately prior to the quarter for which the price is being established. Applicant explains that in the simplest approximate terms, the revised pricing formula yields an FOB LNG price change of 17 cents per MMBtu for each $1.00 per barrel change in the price of crude oil.

Amendment No. 1 also establishes a permanent mechanism to give retroactive effect, after the governmental approvals of implementation, to any revisions of the contract pricing formula pursuant to Article XXIV. After any revision is approved and implemented there is to be a further retroactive payment or a refund of the difference between the revenues collected under the to-be-changed provisions and those which would have been charged under the pending revision, plus interest at the prime rate.

There are two changes to the terms for transportation of LNG by Sonatrach vessels. First, Applicant has undertaken the responsibility of furnishing the marine transportation for the make-up quantities and the present reductions will not affect the continued use of the three Algerian vessels during the reduction period, Applicant asserts. Second, by separate letter agreement dated August 6, 1982, Sonatrach had agreed to a reduction of its shipping charges by advancing the date for termination of the accrual of unavoidable costs to November 1, 1981, from December 1, 1982.

Applicant alleges that these revisions are significant in providing much greater and more realistic ability to make-up any take-or-pay payments and in adding the requirement that the parties negotiate in good faith on any request for further rescheduling of the annual quantities on a best-efforts basis. Further, the agreed upon changes respond favorably to each of the outstanding concerns of the Commission and the Economic Regulatory Administration and will better serve, it is alleged, the public interest through a price reduction and a rescheduling of deliveries to better fit the short-term excess and long-term absence of supply.

In addition, Applicant states, that it revoked the provisions of Article XXIV of the supply agreement, seeking a revision in the base price of the LNG supply from Sonatrach to reflect market conditions in the United States.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 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 party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-23135 Filed 8-22-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

Energy Research Advisory Board Light Water Reactor Safety R&D Panel; Open Meeting

Notice is hereby given of the following meeting:

Name: Light Water Reactor R&D Panel of the Energy Research Advisory Board (ERAB).

Date and Time: September 15–16, 1982 from 9 a.m. to 5 p.m.

Place: U.S. Department of Energy, 1000 Independence Avenue, SW Room 5E–081, Washington, DC 20585.

Contact: Charles E. Cathey, U.S. Department of Energy, Office of Energy Research (ER–6), 1000 Independence Avenue, SW, Washington, DC 20585, Telephone: 202/252–8933.

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda:

- A presentation by DOE office of Nuclear Energy on the above topic
- A presentation by General Electric Company staff on the above topic
- Assignment of work to Panel members
- Public coment (10 minute rule)

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Charles E. Cathey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on August 17, 1983.

James S. Kane,

Deputy Director Office of Energy Research.

[FR Doc. 83-23035 Filed 8-22-83; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Loveland-Fort Collins Area; Proposed Post-1989 General Power Marketing Criteria

AGENCY: Department of Energy, Western Area Power Administration.

ACTION: Publication of the Proposed Post-1989 General Power Marketing Criteria, Announcement of Public Information and Public Comment Forums on the Proposed Marketing Criteria, and Final Request for Applicant Profile Data.

SUMMARY: On February 18, 1982, the Loveland-Fort Collins Area (LFCA) of the Western Area Power Administration (Western) held the first public information meeting to discuss criteria for the marketing of Federal hydroelectric power resources by the LFCA beginning no later than the 1989–90 winter season. Interested persons were requested to submit written comments by March 20, 1982, and data concerning their loads and resources by April 8, 1982.

Customer comments and load resources data have been analyzed, and a Proposed General Power Marketing Criteria for the Pick-Sloan Missouri Basin Program-Western Division (P–SMBP–WD) and the Fryingpan-Arkansas Project (Fry-Ark) is published herein. In the proposed criteria Western would operationally integrate and contractually consolidate the two LFCA projects identified above. The financial payback of the two projects would remain independent. Notice is given that the August 30, 1982, power marketing plan for sale of P–SMBP–WD excess capacity, and the June 23, 1981, power marketing plan for the Fry-Ark project will be superseded.

DATES: A public information forum will be held on September 8, 1983, at which the proposed marketing criteria will be explained in greater detail. Interested persons will be permitted to ask questions concerning the proposal; questions which cannot be answered at the meeting will be answered in writing within a reasonable time.

Persons wishing to comment in writing on the proposal must do so on or before November 15, 1983. A public comment forum at which persons may orally present their views about the proposed criteria will be held on October 4, 1983. Those wishing to comment at the forum should submit a written request to the Area Manager by September 28, 1983, so that a speakers list can be developed. The forum will be transcribed and copies will be available upon request from the firm providing the service. Applicant profile data must be submitted to Western on or before November 15, 1983, by those interested in obtaining an allocation of power and energy from the LFCA.

Locations: The public information meeting will be held on September 8, 1983, beginning at 9:30 a.m., in the Marabella Room of the Holiday Inn Denver-Northglenn, located north of Denver at the intersection of I–25 and 120th Avenue (Exit 233).

The public comment forum will be held on October 4, 1983, beginning at 9:30 a.m., in the Marabella Room of the Holiday Inn Denver-Northglenn.

ADDRESSES: Applicant profile data, written comments on the proposed criteria, and requests to make oral statements at the public comment forum should be sent to:

Mr. Peter G. Ungerman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539, Phone: (303) 224–7201.

Further information concerning the public forums may also be obtained from Mr. Ungerman.

Copies of comments by interested parties will be available at the following Western offices after November 25, 1983.

Director, Division of Marketing and Rates, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, Phone: (303) 231–1545; and

Loveland-Fort Collins Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539, Phone: (303) 224–7201.

SUPPLEMENTARY INFORMATION:

1. Statutory Basis of Marketing Criteria

These Proposed General Power Marketing Criteria are based upon the provisions of the Act of Congress approved June 17, 1902 (32 Stat. 388), the Act of Congress approved August 4, 1939 (53 Stat. 1187), the Act of Congress approved December 22, 1944 (58 Stat. 887), the Act of Congress approved August 16, 1962 (76 Stat. 389), the Act of Congress approved August 4, 1977 (91 Stat. 565), and acts amending or supplementing the foregoing legislation.

2. Background

Western was established, on December 21, 1977, to administer the transmission and power marketing activities which had previously been performed by the Bureau of Reclamation in 15 Western States. The Loveland-Fort Collins Area Office markets power generated at 18 powerplants situated in Colorado, Wyoming, and Montana. All but one of these powerplants comprise the P–SMBP–WD power system; the remaining powerplant is the principal power feature of the Fry-Ark.

Most of the contracts for the sale of power and energy from these projects expire at the end of the 1989 summer billing season; therefore, Western is proposing these criteria for marketing power beginning no later than the 1989–90 winter season. Western anticipates that the final LFCA Post-1989 General Power Marketing Criteria will be completed by the end of 1983, and that allocations will be completed and contracts ready to be signed by allottees in 1984.

During the first public information meeting on February 18, 1982, Western identified the major elements to be included in a marketing criteria and various options being considered for each. We further discussed issues related to the decisions to be made on those options. The proposals offered in these criteria have evolved from those original options modified and supplemented by public comment, refinement of hydrologic studies, review of applicable legislation, and review of historical power marketing policies. In the evolution of these proposals, Western has been guided by the following basic principles:

(1) Full compliance with applicable law.

(2) Achievement of the widest practicable, beneficial use of the resources available.

(3) Full and equal opportunity for all eligible preference entities to participate.

3. Major Features of the Proposed Post-1989 General Power Marketing Criteria

a. *Resources To Be Allocated.* The resources to be allocated by the LFCA are based upon operational integration of existing resources plus planned additions and upratings of the P–SMVP–WD and Fry-Ark generation resources scheduled for completion prior to the 1989 winter season. Operational integration of these resources was presented as option 5c discussed in the February 18, 1982, public information meeting.

Operational integration and contractual consolidation of the P–SMBP–WD and Fry-Ark Project resources permit more efficient utilization of the Federal generation resources in coordination with preference customers' thermal generation and promotes the objective of most widespread and beneficial use of the LFCA Federal power.

The P–SMBP–WD and Fry-Ark Projects would retain its separate financial obligations for repayment. A blended rate for LFCA power would be set to recover revenues sufficient to meet repayment requirements of the separate projects.

The operationally integrated resources available and the classes of service to be offered therefrom are set forth in pages 4 and 5 of Appendix A to the Proposed General Power Marketing Criteria published herewith. Contractual arrangements with allottees will provide for pro-rata sharing of resource deficiencies until all units which comprise the resource base are declared to be in commercial operation.

The operationally integrated generation capacity available for marketing is the combined generation capacity of the P–SMBP–WD at 90 percent probability level plus Fry-Ark generation capacity, less generation reserves based on the largest single hazard. The energy production capability of the operationally integrated Federal system is that available in an average water year.

The classes of service to be made available from these resources are:

(1) *Long-Term Firm Power With Energy.* The LFCA proposes to offer generation capacity based upon 90 percent probability. Firm generation capacity in excess of that available under most adverse water conditions would be purchased on a pass-through-cost basis, when and to the extent that LFCA generation capacity is not available, unless a contractor advises LFCA not to purchase on its behalf. The total amount of available firm

generation capacity and the portion subject to firming purchases on a pass-through-cost basis are set forth in the proposed criteria.

Firm energy production would be based on average hydrological conditions forecasted to occur during the contract term.

An alternative class of service, to be considered in the public process, is based upon purchase of energy to increase the load factor capability of the Federal resource from 36.5 percent and 35.8 percent summer and winter season respectively, to 41.3 percent and 41.8 percent.

Appendix A, pages 4 and 5, shows this generation capacity and energy production capability to be allocated with this class of service. Appendix A, page 5A, shows the energy to be allocated with this alternative class of service. Purchase cost incurred in meeting energy commitments would also be on a pass-through-cost basis for customers requesting this service.

(2) *Short-Term Power With or Without Energy.* To the extent that annual streamflow conditions and reservoir operation result in the production of a greater amount of generation capacity than is committeed on a long-term basis, short-term power with or without energy will normally be offered for sale on a season-by-season or monthly basis. Such offers will be for firm power without energy, or with the return of energy. This power and/or energy may be used in a resource coordination program.

In addition to marketing the above classes of power, the LFCA will engage in other transactions such as regulation service, delivering or receiving interchange, emergency assistance, or maintenance services to the extent water and power resources permit. In order to conserve fossil fuels, enhance the environment, and ensure the availability to preference customers of contracted amounts of power and energy, the LFCA will purchase or exchange power and energy as necessary or desirable to supplement its resources. Nonfirm energy service may be available as a result of these purchases or exchanges.

b. *LFCA Market Area.* The market area for power from the P–SMBP–WD and the Fry-Ark shall be coincident and expanded to include that portion of the State of Kansas within the Missouri River Basin and Colorado, east of the Continental Divide. In previous allocations, the portion of the State of Kansas located in the Missouri river Basin and portions of Colorado east of the Continental Divide have been precluded due to lack of Federal transmission or wheeling arrangement over non-Federal transmission in the area. In the interests of ensuring equitable opportunity for all eligible preference entities to secure the benefits of Federal hydropower, we will no longer confine the marketing area to those areas served by Federal transmission or existing wheeling contracts with non-Federal entities.

c. *Service Seasons.* The service seasons are as follows:

(1) *Summer Season.* The 6-month period from the first day of the April billing period through the last day of the September billing period in any calendar year.

(2) *Winter Season.* The 6-month period from the first day of the October billing period of any calendar year through the last day of the March billing period of the next succeeding calendar year.

d. *Eligibility.* Potential new preference customers must demonstrate by January 1, 1984, that they have met Western's qualifying criteria, which is detailed in the accompanying proposed criteria. Priorities for allocations of LFCA power and energy are also set forth in the accompanying General Power Marketing Criteria.

e. *Allocation Criteria.* The total power and energy available from operational integration of the two projects shall be segmented in a reservation for existing customers and new customers. The ratio of existing customer energy entitlement to total available energy will be the basis for segmenting available power and energy.

(1) *Existing Customers.* The *energy* reserved for existing customers shall be allocated in proportion to each existing customer's existing long-term firm power contract rate of delivery (CROD). Once the energy allocations are established, each allottee will have an opportunity to request power based upon its individual load characteristic. If there is insufficient generation capacity in the reservation to this group to satisfy all of the capacity requested, LFCA may limit power entitlement to the seasonal plant factor of the resources.

(2) *New Customers.* The *energy* reserved for eligible new customer applicants shall be allocated in proportion to their average energy consumption in a recent 3-year period. Once the energy allocations are established, each allottee will have an opportunity to request power based upon its individual load characteristic. If there is insufficient generation capacity in this reservation to this group to satisfy all of the power requested, LFCA may limit capacity entitlement to the seasonal plant factor of the resources. New customer seasonal energy entitlement will be limited to that energy associated with 5 MW of power at the seasonal load factor capability of the resources to be allocated.

The Administrator may deviate from this allocation criteria when special circumstances warrants it. Complete allocation criteria are set forth in the General Power Marketing Criteria published herewith.

f. *Contract Arrangements.* The major provisions of the contract arrangements are listed below. A detailed list of the contract arrangements are set forth in the General Power Marketing Criteria.

(1) Allottees will have 6 months to accept an offered contract or until September 30, 1985, whichever is later, and must have the means to distribute power prior to September 30, 1988.

(2) *Delivery Conditions.* Delivery of LFCA power will normally be made on the P–SMBP–WD transmission system at transmission voltages. On a case-by-case basis, delivery may continue to be made at lower voltages.

Transmission beyond the P–SMBP–WD transmission system shall be the responsibility of the customer.

(3) *Scheduling Requirements.* All customers will be required to maintain a minimum schedule to meet downstream water release requirement, and to permit purchase of energy as necessary to meet LFCA obligations. The minimum scheduling requirements are detailed in the General Power Marketing Criteria published herewith.

(4) Contractors will be required to develop a conservation and renewable energy program; may sell surplus energy to Western upon mutually agreeable terms; will be entitled to fixed, maximum monthly amounts of capacity and energy; and will be subject to other specified delivery conditions.

To be eligible to be considered for an allocation of power and energy from the P–SMBP–WD and Fry-Ark under the final marketing plan, those interested utilities not having already done so, must furnish applicant profile data to the Loveland-Fort Collins Area Manager on or before November 15, 1983. This data will be utilized for other purposes as well. The content and format of the requested data were published in the **Federal Register** dated February 10, 1982, and is revised as shown. Those utilities which have already responded should note that the load data described in 3 b, c, and d must be resubmitted to reflect the revised base years.

Applicant Profile Data

1. *Eligibility.* A statement of eligibility as a preference customer under Reclamation Law and pertinent statutes, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)).

2. *Organization.* A brief description of the organization that will interact with Western on contract and billing matters.

3. *Loads.* a. Number and type of customers served: residential, commercial, industry, military base, and agricultural.

b. Monthly maximum demand and energy use for 1980, 1981, and 1982 versus CROD for Federal power.

c. Seasonal load duration curves for summer and winter seasons for 1980, 1981, and 1982 for the total system load or hourly load data for producing such load duration curves.

d. Average annual seasonal and monthly load factors for the total system for 1980–1982.

e. Projected load factors and monthly power and energy Demand 1983–2010 Period. Indicate forecasting method and basic assumptions.

4. *Resources.* a. List of operating generating resources, if any, including capacity, locations, and 1982 availability factor.

b. Estimated percent of total supply received from Western, 1983–1989.

c. Status of power supply contracts with parties other than Western.

5. *Transmission.* a. Voltage of service required and possible delivery points.

b. A brief description of the type of transmission service being requested of Western, direct or wheeled.

6. *Renewable Resources and Cogeneration Projects.* a. List of future firm and planned resources, if any, including generation capacity, location, scheduled operation date, and expected average annual lifetime capacity factor.

b. Estimated busbar cost (cent/kWh) of each project in 1983 dollars.

c. As appropriate, proposed plans for wheeling to Western's system.

7. The name, address, and telephone number of a person from the consulting firm used, if any.

8. Any other information the applicant desires to include.

9. The signature and title of an appropriate official who is able to attest to the validity of the data submitted and who would be authorized to submit an application for power.

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), each agency, when required by 5 U.S.C. 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. In this instance, the marketing plan relates to electric services provided by Western. Under 5 U.S.C. 601(2), services are not considered "rules" within the meaning of the Act. Therefore, Western believes that no flexibility analysis is required.

Environmental Evaluation

In compliance with the National Environmental Policy Act of 1969 (NEPA) and the Department of Energy (DOE) regulations published in the **Federal Register** on February 23, 1982 (47 FR 7976), Western conducts environmental evaluations of certain rate and allocation actions. Under the DOE regulations, Western will make an evaluation and determination of the possible environmental impacts of the proposed marketing plan. A memorandum will be prepared explaining the basis for that determination and an administrative determination will be made of what level documentation under NEPA is required.

Determination Under Executive Order 12291

The Department of Energy has determined that this is not a major role because it does not meet the criteria of section 1(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981). Western has an exemption from sections 3, 4, and 7 of Executive Order 12291.

The Proposed General Power Marketing Criteria for the LFCA is published herewith.

Issued in Golden, Colorado, August 17, 1983.

Robert L. McPhail,

Administrator.

Proposed General Power Marketing Criteria for the Loveland-Fort Collins Area, Western Area Power Administration, U.S. Department of Energy, August 1983

Part I. General

A. Applicability

These criteria are based upon the provisions of the Act of Congress approved June 17, 1902 (32 Stat. 388), the Act of Congress approved August 4, 1939 (53 Stat. 1187), the Act of Congress approved December 22, 1944 (58 Stat. 887), the Act of Congress approved August 16, 1962 (76 Stat. 389), the Act of Congress approved August 4, 1977 (91 Stat. 565), and acts amending or supplementing the foregoing legislation. These criteria shall become effective upon approval and promulgation by the Administrator of the Western Area Power Administration (Western) and will apply to all Federal power marketed by Western's Loveland-Fort Collins Area other than power from the Colorado River Storage Project. Existing contract arrangements will only be affected upon amendment by the parties. On the first day of the October 1989 billing period, these criteria will supersede and replace the power marketing plan for the sale of excess capacity in the Pick-Sloan Missouri Basin Program-Western Division (P-SMBP-WD) effective August 30, 1982, and the Fryingpan-Arkansas Project (Fry-Ark) power marketing plan for the sale of power from the Mt. Elbert pumped-storage powerplant of the Fry-Ark Project effective June 23, 1981.

These criteria are subject to change upon reasonable notice by the Administrator and the opportunity for comment by interested parties.

B. Marketable Resources

1. *P-SMBP-WD Resources.* The Loveland-Fort Collins Area (LFCA) markets power generated at 17 P-SMBP-WD powerplants situated in Colorado, Wyoming, and Montana. The generation capacity and energy production capability of these resources are:

	Summer	Winter
Capacity (kW):		
Generation capacity based on 90 percent probability	557,000	484,000
Generation capacity based on most adverse water	519,000	453,000
Energy (MWh):		
Energy production based on average year water loss project pumping use	1,225,600	970,800

2. *Fry-Ark Project Resources.* The Mt. Elbert Powerplant, with two 100 NW reversible pump/turbines, comprises the power feature of the Fry-Ark Project. The generation capacity and energy production capacity of these units are:

	Summer	Winter
Capacity (kW)	200,000	200,000
Energy (MWh)	27,596.4	36,154.3
Pumped Storage Energy (MWh) [1]	2,800	2,800

[1] MWh available each time the reservoir is refilled. 3,920 MWh of return energy is required to refill the reservoir.

3. *Operationally Integrated Resources.* More effective utilization of the individual resources of the P-SMBP-WD system and the Fry-Ark resources can be achieved by operationally integrating the two projects. For instance, reserves can be shared, and the Fry-Ark flow-through water can be used to increase the plant factor of Federal generation resources. The marketable resource available by operationally integrating the projects as opposed to marketing each project separately is presented below.

	Summer	Winter
Generation Capacity (kW) [1]	729,200	600,300
Energy Production (MWh) [2]	1,169,963.4	939,469.8
Pumped Storage Energy (MWh) [3]	2,800	2,800

[1] Adjusted for reserves at the integrated level.
[2] Adjusted for losses.
[3] Capacity utilization may be increased by use of pumped storage energy. At the beginning of the contract period each

customer shall be deemed to have 4.7 kWh/kW of such pumping energy in an energy account and may schedule energy into and out of such account. 1.4 kWh must be scheduled into the account for every kWh delievered. The account may never exceed 4.7 kWh/kW in the winter season and must be restored to that level at the end of each winter season. At the beginning of each summer season each customer will be deemed to have 3.8 kWh/kW in the energy account. The account may never exceed 3.8 kWh/kW in the summer season, and must be restored to that level at the end of each summer season. The account may never become negative. The rate of energy scheduled into the account may not exceed 1.4 times the customer's Contract Rate of Delivery (CROD) divided by the total of all customers' CROD times 200,000 kW without prior permission of the LFCA operations office.

4. *Future Projects.* New or revised marketing criteria will be developed as necessary when presently unidentified Federal generation resources are made available.

Part II. Marketing Criteria for LFCA Projects

A. Market Area

The market area for power from the LFCA shall be the portion of the States of Wyoming and Colorado east of the Continental Divide, the portion of the State of Nebraska west of the 101st Meridian, and the portion of the State of Kansas located in the Missouri River Basin.

In previous allocations, the portion of the State of Kansas located in the Missouri River Basin and portions of Colorado east of the Continental Divide have been precluded due to lack of Federal transmission of wheeling arrangement over non-Federal transmission in the area. In the interests of ensuring equitable opportunity for all eligible preference entities to secure the benefits of Federal hydropower, we will no longer confine the marketing area to those areas served by Federal transmission or existing wheeling contracts with non-Federal entities.

B. Service Seasons

1. *Summer Season.* The 6-month period from the first day of the April billing period through the last day of the September billing period in any calendar year.

2. *Winter Season.* The 6-month period from the first day of the October billing period of any calendar year through the last day of the March billing period of the next succeeding calendar year.

C. Classes of Service

The classes of service to be offered by the LFCA are based upon operational integration of the P–SMBP–WD resources and the Fry-Ark resources.

1. *Long-Term Power With Energy.* The LFCA proposes to offer generation capacity based upon 90 percent probability. Firm generation capacity in excess of that available under most adverse water conditions would be purchased on a pass-through-cost basis, when and to the extent that LFCA generation capacity is not available, unless a contractor advises LFCA not to purchase on its behalf. The total amount of available firm generation capacity and the portion subject to firming purchases on a pass-through-cost basis are set forth in the Appendix A.

Firm energy production would be based on average hydrological conditions forecasted to occur during the contract term. Appendix A, pages 4 and 5, respectively, shows this generation capacity and energy production capability to be allocated with this class of service. Pumped storage energy as described in part I, B 3 above is included in this class of service.

Western will consider an alternative class of service which is the same as that described above except that Western will allocate an additional 307,822,000 kWh of energy. Appendix A, page 5A, details the at-plant energy including purchases.

Western will also consider an alternative to purchase, on behalf of those who desire such service, offpeak energy required for maintenance of customer's pumped-storage energy account.

Purchase cost incurred in meeting energy commitments would also be on a pass-through-cost basis for customers desiring the service.

2. *Short-Term Power With or Without Energy.* To the extent that annual streamflow conditions and reservoir operations result in the production of a greater amount of generation capacity than is committed on a long-term basis, short-term capacity with or without energy will normally be offered for sale on a season-by-season or monthly basis. Such offers will be for firm power without energy or with the return of energy. This power and/or energy may be used in a resource coordination program.

3. *Other Services.* In addition to marketing the above classes of power, the LFCA will engage in other transactions such as regulation services, delivering or receiving interchange, emergency assistance, or maintenance services to the extent water and power resources permit. In order to conserve fossil fuels, enhance the environment, and ensure the availability to preference customers of contracted amounts of power and energy, the LFCA will purchase or exchange power and energy as necessary or desirable to supplement its resources. Nonfirm energy service may be available as a result of these purchases or exchanges.

D. Derivation of Marketable Resources

1. *Derivation of P–SMBP–WD Marketable Resources.* Western and the Bureau of Reclamation (Bureau) have conducted a series of joint studies related to quantifying post-1989 water system's operations and the corresponding capabilities of the P–SMBP–WD power system, including its capability for hydrothermal integration. This summary describes the methodology and procedures for defining and quantifying the power resources of the P–SMBP–WD for the post–1989 time period.

At-Plant Capability Basis for Existing Allocations. The current firm power allocations established in 1962 were based on the Bureau's 1956 hydrology study. The results of that study are summarized on line 1, page 2 of Appendix A. After considering losses and pumping requirements, the average year energy production capability was 1,860 gigawatthours. Based on the projected load pattern of its preference customers at that time, the Bureau determined that this average year energy production capability would support 384,000 kW of firm power allocation in the summer season and 346,000 kW of firm power allocations in the winter season. The customer was required to schedule his Federal entitlement as a proportionate share of his total load. The proportionate share was determined by the ratio of his seasonal CROD to his seasonal peak demand.

From 1962 until 1983, the difference between the firm generation capacity allocated and the actual available generation capacity was marketed on a seasonal basis.

Since the Bureau's 1956 hydrology study and the 1962 allocation, there have been many changes in the P–SMBP–WD system. Customer loads and customer load patterns have changed substantially. A small portion of the 1962 allocations have been returned by customers. The impending expiration of existing contracts and the requirement to develop a post-1989 marketing plan in conjunction with these changes and proposed further changes before 1989 prompted the need for an update of the 1956 Bureau hydrology study.

After several meetings, LFCA, the Bureau, and Western's Headquarters Power Resources Division determine that three levels of study effort were required.The first level was an update of the 1956 study assuming initial water conditions and the system configuration existing in 1980. The second level of effort was a followup of the 1980 update to quantify the hydrothermal integration capability of the P–SMBP–WD system. The purpose of that effort was to provide the hydrological and load obligation basis for marketing unallocated firm generation capacity and energy production capability between 1983 and 1989.

Following the second level study, 79,000 kW of generation capacity in the summer season and 72,000 kW of generation capacity in the winter season were allotted to the LFCA resource coordination program through 1989. This generation capacity, together with non-Federal energy supplied by resource coordination program participants, was allocated to preference customers in 1982. The total capacity allocated through the 1989 summer season now is 459,887 kW in the summer season and 415,832 kW in the winter season. The total energy obligation associated with this generation capacity is 1,860,000 MWh/year.

At-Plant Capability for Projected 1990 Conditions. The third level of study effort established among LFCA, the Bureau, and Western's Headquarters Power Resources Division was a long-term hydrology study using a projected 1990 system configuration and an update of the hydrothermal integration capability reflecting 1990 conditions. Line 3, page 2 of Appendix A summarizes the results of this effort and is the basis for determining the P–SMBP–WD resource to be allocated in the post-1989 time period.

Line 2, page 2 of Appendix A is a summary of the additions and deletions to the at-plant capability since the 1962 allocations.

The P–SMBP–WD generation capacity and energy production capabilities as described above are subject to completion of the Shoshone Project modifications, water from the Windy Gap Project, as well as various upgrades scheduled for completion before 1989. They are further subject to additional project use designations by the Bureau.

2. *Derivation of Fry-Ark Resources.* The Fry-Ark resources available were computed by Western's Headquarters Power Resource Division based upon a 1974 Bureau study which determined average inflows available for energy production at the Mt. Elbert Powerplant.

3. *Derivation of Marketable Resources from Operational Integration of P-SMBP-WD and Fry-Ark Resources.* Page 5 of Appendix A shows the monthly at-plant and at load energy production capability of the operationally integrated P-SMBP-WD and the Fry-Ark resources.

Page 4, column 4 of Appendix A shows the marketable generation capacity of the operationally integrated resources.

The operationally integrated resource available for marketing is the integrated generation capacity of Federal resources minus necessary reserves. Marketed with this capacity is the energy production capability of the Federal system in an average water year.

E. Eligibility Requirements

Resources from the P-SMBP-WD will be allocated in accordance with the preference provisions of Reclamation Law in the following order of priority:

1. Preference entities within the LFCA market area.

2. Preference entities outside the LFCA market area.

3. Nonpreference entities.

These priorities may be recognized by a pricing differential in the sale of nonfirm energy.

The following requirements must be met in order to be eligible for an allocation of resources from the LFCA:

(a) Each potential new customer must have had a 1982 load greater than 100 kilowatts.

(b) On or before January 1, 1984, each potential applicant must be:

(1) A utility, primarily engaged in retail sales of electricity, with responsibility for the load to be served; or

(2) A utility, primarily engaged in wholesale sales, that is qualified for an allocation, as described below; or

(3) A Federal or State ultimate-consumer type load, including such loads of subdivisions of State government whose use enhances the available Federal power resources; or

(4) An existing LFCA contractor for long-term firm power.

Wholesale utilities, such as generation and transmission cooperatives, municipal joint action agencies, or incorporated power or transmission projects (which, like Western, are primarily wholesalers of power without end-customer deliveries) will be eligible for allocations of power and energy under this plan if the Administrator concludes that the following objectives will be achieved:

(a) The benefits of federally financed power are distributed at the lowest possible rates to consumers consistent with sound business principles.

(b) That consumers can identify their true power supply costs from all sources (including Federal) such that true costs of growth and benefits of conservation are readily identifiable.

(c) That "accountability" for the cost and management of the Federal investment is directly linked between the power marketing agency and the retailing utility. Further, a retailing utility should be able to identify cost and other significant characteristics of each of its wholesale supplies.

Part III. Allocation of Marketable Resources

A. Basis of Allocation

To ensure widespread distribution of the benefit of Federal power, the LFCA proposes to segment the LFCA net resources into two parts representing a reservation for new customers and a reservation for existing customers. Existing customers are defined as those eligible applicants in the marketing area described in Part II A, herein who have a contract for power and/or energy from the P-SMBP-WD or Fry-Ark generation resources as of July 15, 1984. These reservations are detailed on page 6 of Appendix A. The generation capacity and energy production reservations for existing customers are based upon the ratio of 1,860,000 MWh currently available to existing customers to the total energy available for allocation.

1. *Allocation Criteria for New Customers.* The *energy* reserved for eligible new customer applicants shall be allocated in proportion to their average energy consumption in a recent 3-year period.

Applicants may request power with their energy entitlement to reflect their individual system characteristics. If there is insufficient power reserved for this group to satisfy applicants' requests, the United States may limit the power allocated, but not below the load factor represented by the relationship of energy reserved to this group to the power reserved for this group, which is 36.5 percent in the summer and 35.8 percent in the winter season. In the event that the class of service is based on the purchased power alternative, the power allocated may be limited to 41.3 percent in the summer and 41.8 percent in the winter season. New customers may not receive a seasonal allocation of energy greater than the energy associated with 5 MW of capacity at the seasonal load factors specified above.

Any energy or power reserved for new customers which are not subscribed for by members of this group or which are available due to the 5 MW limitation may be administratively allocated to alleviate inequities in existing customer allocations, or allocated to Federal agencies in the interests of reducing the Federal deficit.

2. *Allocation Criteria for Existing Customers.* The *energy* reserved for existing customers shall be allocated in proportion to each existing customer's existing long term firm CROD. If eligibility for an allocation is confined to utilities operating at the retail level, the existing allocations to wholesaling utilities must be distributed among retailing members of the joint action group previously holding the allocation. The members of such wholesaling utilities will be allowed to determine how such distribution shall be made.

In the event that the membership fails to agree on a distribution, Western will make the determination based upon allocations prior to the assignment of individual allocations to such wholesaling utilities, or if that information in unavailable, on the basis of some appropriate year's load data for the individual members.

Once the energy allocations are established, each allottee will be allowed to request power with such energy based upon its individual load characteristic. If there is insufficient power in the reservation for that group to satisfy all of the power requests, Western may limit the power entitlement, but not below a 36.5 percent load factor in the summer season, and 35.8 percent load factor in the winter season. In the event that the class of service is based on the purchased power alternative, the power allocated may be limited to 41.3 percent load factor in the summer and 41.8 percent load factor in the winter season.

B. *Limit on Allocations.* No applicant shall receive an allocation of LFCA power such that its total post-1989 Federal firm power entitlements from combined Federal sources exceeds its average peak demands for 1980, 1981, and 1982. No applicant shall receive an allocation larger than that for which it applies.

C. *Reallocations.* Firm power and energy available for marketing because an allocation has been withdrawn or a contract terminated may be administratively reallocated.

The Administrator may deviate from these criteria when special conditions warrant it.

Part IV. Contract Arrangements

Qualified preference entities receiving an allocation are entitled to contract for the allocated resources. Western will offer a contract based on these criteria. Upon acceptance of a contract, the allottee becomes a preference customer.

Allottees will have 6 months to accept the offered contract or until September 30, 1985, whichever is later, and must have the means to distribute power no later than September 30, 1988.

A. General Contract Terms

1. *Effective Date and Term of Contract.* Existing contracts will be allowed to expire by their own terms. Contracts offered for the sale of newly allocated long-term power with energy will become effective on the first day of the October 1989 billing period (or upon expiration of existing contracts, if later), and will terminate on the last day of the September 1999 billing period. Said contracts will implement the Conservation and Renewable Energy (C&RE) Article within 1 year of the date of execution of the contract.

2. *Scheduling and Accounting Procedure.* (a) *Scheduling.* Western and the preference customers will establish mutually agreeable scheduling and accounting procedures, based upon standard utility industry practices, which will provide efficient, practicable utilization of power and energy. These procedures will be set forth in the LFCA contracts or in separate written agreements made a part thereof.

Fixed monthly power and energy delivery obligations for each season shall be set forth in each customer's power sales contract. These amounts will be determined in accordance with the estimated monthly

pattern of the operationally integrated resource and are listed on pages 4 and 5, respectively, of Appendix A. LFCA's power obligation for any given hour will be limited to the actual power scheduled during that hour; i.e., customers will not be entitled to claim unscheduled firm power as their operating reserve capacity.

The monthly energy obligations may be increasd from time-to-time should short-term conditions allow. If the established limit is increased for any month, it may be decreased in the corresponding month in future seasons; but in no event shall it be decreased below the amount set forth on page 4 of Appendix A. LFCA will purchase firming energy for those customers desiring it, on a pass-through cost basis, up to the amount of LFCA's contractual obligation to provide energy.

All firm power service customers will be required to maintain a minimum power schedule in order to meet water release constraints and permit offpeak purchase of energy required to meet total United States energy obligations. The minimum shedule requirement may be changed as necessary to meet changing water release constraints and seasonal variation in hydrological conditions.

The monthly minimum percentage of each customer's CROD entitlement which must be scheduled for both classes of service alternatives is as follows:

Winter Season		Summer Season	
No purchased energy alternative	Purchased energy alternative	No purchased energy alternative	Purchased energy alternative
Oct. 20	34	Apr. 29	31
Nov. 20	35	May 20	31
Dec. 22	37	Jun. 24	37
Jan. 22	36	Jul. 31	43
Feb. 18	32	Aug. 24	35
Mar. 18	31	Sep. 17	27

(b) *Accounting.* The amounts of power and/or energy to be paid for by the customer will be determined in accordance with the accounting procedures set forth in the contracts, or in separate written agreements made a part thereof, and need not be the monthly power and energy obligations. Said accounting procedures will include procedures for determining amounts of power and energy delivered to the customer at each point of delivery or point of use and shall establish amounts of Federal power delivered over the P-SMBP-WD transmission system to each customer at each point of delivery.

If there are parallel paths between points of delivery, billing will be on a coincidental basis, otherwise billing at multiple points of delivery will be on a noncoincidental basis.

Power and energy will be billed at a blended rate to recover the revenue requirements of both the P-SMBP-WD and Fry-Ark Projects.

If the class of service alternative is based on purchased energy, 88 percent of the customer's summer energy entitlement will be at the approved blended energy rate. The balance will be at pass-through rates, and 86 percent of the customer's winter energy entitlement will be at the approved blended energy rate. The balance will be at pass-through rates.

The cost of firming capacity and energy purchased in order to meet the contractual obligation to deliver the LFCA projects capacity and energy to customers in each fiscal year shall be the average cost of such capacity and energy purchased in the LFCA during the fiscal year. These costs shall be accrued during the fiscal year in which they are incurred. To the extent they were not anticipated and collected during the same fiscal year, they will be billed to customers during the following fiscal year or portion thereof, as LFCA deems appropriate, along with the regular monthly power bill. Except that if the necessary revolving funds or appropriations are not available to LFCA, trust funds will be established prior to LFCA's expenditures for purchasing firming capacity and energy.

3. *Delivery Conditions.* (a) *LFCA Power and Energy Deliveries on the P-SMBP-WD System.* Subject to Western approval as to location and voltage, normal delivery will be made at the P-SMBP-WD transmission system voltages. delivery may continue to be made at voltages lower than 34.5-kV at powerplant and substation locations on the P-SMBP-WD transmission system where customers already have deliveries operating at such lower levels.

Western will have no obligation to furnish additional facilities or to increase transmission or transformer capabilities of the P-SMBP-WD system. Modifications to existing facilities and alternate or additional delivery points requested by the contractors may be permitted at the discretion of Western. Requests for taps will be considered on a case-by-case basis.

(b) *Other Federal Power and Energy Deliveries on the P-SMBP-WD System.* Western will transmit Federal power and energy other than P-SMBP-WD and Fry-Ark power and energy over the P-SMBP-WD transmission system to the extent that capacity is determined to be available. The customer will pay for such service at the standard rates for P-SMBP-WD transmission service.

(c) *Delivery Beyond the P-SMBP-WD System.* All costs, including losses, for delivery of power and energy beyond the P-SMBP-WD system shall be borne by the customer. Instances where additional transmission line capacity is required to effect delivery beyond the P-SMBP-WD system will be considered as individual cases to be justified on their own merits. The following alternatives are available to customers for accomplishing delivery of LFCA Federal power beyond the P-SMBP-WD system.

(1) The customer or customers may build all facilities to accept delivery at the established voltage on the P-SMBP-WD system in which case the customer will pay the standard P-SMBP-WD rates for power.

(2) Arrangements may be made with a third party to wheel and deliver power from the P-SMBP-WD system to a customer's point of use. Such arrangements may be made by Western, the customer, or by a group of customers. If Western makes the wheeling arrangements, Western will add a surcharge to the customer's billing to recover the costs thereof. If the customer makes its own wheeling arrangements, the customer will pay the wheeling charges directly to the wheeling agent.

(3) Western may construct the transmission line facilities required beyond the P-SMBP-WD system. The costs of facilities constructed by Western shall be borne by beneficiaries thereof.

4. *Conservation and Renewable Energy (C&RE) Program.* The development of a C&RE Program is a responsibility of each preference customer benefiting from the purchase of long-term federally-generated power. An "Announcement of Final Guidelines and Acceptance Criteria for Customer Conservation and Renewable Energy Programs" was published in the **Federal Register** (46 FR 56140) on November 13, 1981. In order to achieve the purposes listed therein, Western will guide and assist the preference customer in the development of its C&RE program, as requested and to the extent possible. Failure to develop a program that meets the criteria for acceptance by Western may result in a 10 percent reduction in Western's allocation to the customer.

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MAXIMUM CAPACITY AT PLANT
BASED ON BUREAU MAINTENANCE SCHEDULE
(MW)

Page 1

Appendix A

	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Green Mtn.	5.0	5.0	4.0	4.0	5.0	5.0	6.0	20.0	26.0	26.0	26.0	26.0
Mary's Lake	8.1	8.1	8.1	8.1	8.1	8.1	8.1	8.1	0.0	8.1	8.1	8.1
Estes	51.8	34.4	51.8	51.8	51.8	51.8	51.8	51.8	34.4	51.8	51.8	51.8
Pole Hill	35.0	35.0	35.0	35.0	35.0	35.0	35.0	0.0	35.0	35.0	35.0	35.0
Flatiron 1&2	42.3	42.3	84.6	84.6	84.6	84.6	84.6	84.6	84.6	84.6	84.6	84.6
Flatiron 3	0.0	0.0	0.0	0.0	0.0	0.0	8.5	8.5	8.5	8.5	7.0	0.0
Big Thompson	0.0	0.0	0.0	0.0	0.0	5.2	5.2	5.2	5.2	5.2	5.2	5.2
Seminoe	45.0	45.0	42.0	39.0	36.0	33.0	24.0	30.0	45.0	45.0	45.0	30.0
Kortes	26.0	39.0	26.0	26.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0
Fremont	48.0	50.0	52.0	54.0	32.0	32.0	56.0	54.0	54.0	52.0	52.0	50.0
Alcova	40.0	20.0	20.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0
Glendo	0.0	0.0	0.0	0.0	0.0	0.0	38.0	38.0	38.0	38.0	38.0	38.0
Guernsey	0.0	0.0	0.0	0.0	0.0	0.0	6.4	6.4	6.4	6.4	6.4	6.4
Heart Mtn.	6.0	6.0	6.0	6.0	6.0	0.0	6.0	6.0	6.0	6.0	6.0	6.0
Boysen	6.0	12.0	11.0	5.0	10.0	9.0	9.0	10.0	13.0	17.0	17.0	12.0
Yellowtail	71.9	143.8	143.8	143.8	143.8	143.8	143.8	143.8	143.8	143.8	143.8	143.8
Buffalo Bill (Shoshone)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	21.0	21.0	21.0	21.0	21.0
Pilot Butte	0.0	0.0	0.0	0.0	0.0	0.0	1.8	1.8	1.8	1.8	1.8	1.8
TOTAL (P-SMBP-WD)	388.1	443.6	487.3	500.3	494.3	484.3	526.0	603.2	601.7	629.2	627.7	598.7
CAP. AT 90%	484.0	477.0	483.0	478.0	466.0	480.0	467.0	497.0	517.0	557.0	531.0	505.0
UNINTEGRATED P-SMBP-WD RESERVES	35.3	40.3	44.3	45.5	44.9	44.0	46.7	49.7	51.7	55.7	53.1	50.5
UNINTEGRATED P-SMBP-WD MARKETABLE CAPACITY	352.8	403.3	443.0	454.8	449.4	440.3	467.0	497.0	517.0	557.0	531.0	505.0
Mt. Elbert (Fry-Ark)	200.0	200.0	200.0	200.0	200.0	200.0	200.0	100.0	200.0	200.0	200.0	200.0
MAX AVAILABLE CAPACITY	588.1	643.6	687.3	700.3	694.3	684.3	726.0	703.2	801.7	829.2	827.7	798.7
CAP. AT 90%	684.0	677.0	683.0	678.0	666.0	680.0	667.0	597.0	717.0	757.0	731.0	705.0

P-SMBP-WD MARKETABLE RESOURCES

Page 2

Appendix A

		Installed Capacity (kW)	Maximum Capacity (kW)	Summer Peaking Capacity (kW)	Winter Peaking Capacity (kW)	Short Term Capacity (kW)	Average Summer Energy (MWh)	Average Winter Energy (MWh)	Average Yearly Energy (MWh)
1	Basis for 1962 Allocations	492,350		485,900	419,600				1,860,000
2	Increase/Decrease	109,050		71,100	64,400				
3	At Plant Capability	601,400	641,200	557,000 /1	484,000 /1	84,200	1,225,600 /3	970,800 /3	2,196,400 /3
	1990 Conditions		629,200 /4	519,000 /2	453,000 /2	72,200			

/1 90% Probability capacity from Table 8 Task No. 2 Report dated June 1983

/2 99% Probability capacity under most adverse water conditions

/3 Based on average year water from Table 10 Task No. 2 Report dated June 1983

/4 Practical maximum under anticipated hydrologic conditions

FRYINGPAN-ARKANSAS PROJECT

MARKETABLE RESOURCES

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Appendix A

	CAPACITY (MW)	FLOW-THROUGH ENERGY (MWH)
OCT	200	6,295.9
NOV	200	6,107.4
DEC	200	6,032.0
JAN	200	5,994.3
FEB	200	5,805.8
MAR	200	5,918.9
		36,154.3
APR	200	5,240.3
MAY	100 /1	1,281.8
JUN	200	4,410.9
JUL	200	5,956.6
AUG	200	5,843.5
SEP	200	4,863.3
		27,596.4

/1 Based on proposed maintenance schedule to be approved by Bureau of Reclamation. (Each 100 MW will have maintenance performed for 2 weeks each)

CAPACITY
with
OPERATIONAL INTEGRATION
of
P-SMBP-WD AND FRY-ARK

Page 4

Appendix A

	MAXIMUM AVAILABLE CAPACITY /1 (KW)	CAPACITY AT 90% PROBABILITY /1 (KW)	RESERVES REQUIRED /2 (KW)	MARKETABLE CAPACITY /3 (KW)	% MAXIMUM
OCT	588,100	684,000	100,000	488,100	81.3
NOV	643,600	677,000	100,000	543,600	90.6
DEC	687,300	683,000	100,000	587,300	97.8
JAN	700,300	678,000	100,000	600,300	100
FEB	694,300	666,000	100,000	594,300	99.0
MAR	684,300	680,000	100,000	584,300	97.3
APR	726,000	667,000	100,000	626,000	85.8
MAY	703,200	597,000	100,000	597,000	81.9
JUN	801,700	717,000	100,000	701,700	96.2
JUL	829,200	757,000	100,000	729,200	100
AUG	827,700	731,000	100,000	727,700	99.8
SEP	798,700	705,000	100,000	698,700	95.8

/1 From page 1, Appendix A

/2 One generating unit at Mt. Elbert

/3 Minimum of [Column 1 - Column 3,,or Column 2]

ENERGY CAPABILITY
OPERATIONAL INTEGRATION OF
P-SMBP-WD AND FRY-ARK
(MWH)

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Appendix A

	AT PLANT ENERGY P-SMBP-WD /1	AT PLANT ENERGY FRY-ARK /2	AT PLANT TOTAL ENERGY	TOTAL ENERGY AT LOAD
OCT	164,100	6,295.9	170,395.9	158,968.3
NOV	164,500	6,107.4	170,607.4	159,174.4
DEC	179,700	6,032.0	185,732.0	173,312.9
JAN	175,100	5,994.3	181,094.3	168,980.2
FEB	137,200	5,805.8	143,005.8	133.391.9
MAR	150,200	5,918.9	156,118.9	145,642.1
	970,800	36,154.3	1,006,954.3	939,469.8
APR	177,600	5,240.3	182,840.3	170,645.6
MAY	191,600	1,281.8	192,881.8	180,206.3
JUN	216,200	4,410.9	220,610.9	205,982.1
JUL	269,500	5,956.6	275,456.6	257,171.0
AUG	214,500	5,843.5	220,343.5	205,668.4
SEPT	156,200	4,863.3	161,063.3	150,310.0
	1,225,600	27,596.4	1,253,196.4	1,169,983.4
TOTAL	2,196,400	63,750.7	2,260,150.7	2,109,453.2

/1 From Table 10 Task No. 2 Report

/2 A6300 based on 1974 Long Term Hydrology Study performed by Bureau of Reclamation

ENERGY CAPABILITY
WITH OPERATIONAL INTEGRATION OF
P-SMBP-WD AND FRY-ARK AND
WITH PURCHASED ENERGY INCLUDED
(MWH)

Page 5A

Appendix A

	AT PLANT P-SMBP-WD ENERGY	AT PLANT FRY-ARK FLOW-THROUGH	AT PLANT PURCHASED ENERGY	AT PLANT TOTAL ENERGY	TOTAL ENERGY AT LOAD
OCT	164,100	6,295.9	27,897.9	198,293.8	185,041.1
NOV	164,500	6,107.4	30,324.3	200,931.7	187,514.9
DEC	179,700	6,032.0	28,931.7	214,663.7	200,351.9
JAN	175,100	5,994.3	27,204.8	208,299.1	194,405.3
FEB	137,200	5,805.8	26,854.2	169,860.0	158,489.3
MAR	150,200	5,918.9	25,758.4	181,877.3	169,715.3
TOTAL	970,800	36,154.3	166,971.3	1,173,925.6	1,095,517.8
APR	177,600	5,240.3	27,856.6	210,696.9	196,679.8
MAY	191,600	1,281.8	25,826.6	218,708.4	204,343.4
JUN	216,200	4,410.9	30,985.2	251,596.1	234,940.3
JUL	269,500	5,956.6	28,631.6	304,088.2	283,930.0
AUG	214,500	5,843.5	25,573.5	245,917.0	229,568.9
SEP	156,200	4,863.3	23,524.7	184,588.0	172,295.7
TOTAL	1,225,600	27,596.4	162,398.2	1,415,594.6	1,321,758.1
TOTAL	2,196,400	63,750.7	329,369.5	2,589,520.2	2,417,275.9

PROPOSED RESERVATION OF RESOURCE

Page 6

Appendix A

	Winter		Summer		Year
	Capacity /5 (kW)	Energy /6 (MWh)	Capacity /5 (kW)	Energy /6 (MWh)	Energy (MWh)
New Customers	70,988.4	111,096.9	86,231.5	138,356.3	249,453.2 /3
Existing Customers /1	529,311.6	828,372.9	642,968.5	1,031,627.1	1,860,000
TOTALS	600,300 /4	939,469.8 /2	729,200 /4	1,169,983.4 /2	2,109,453.2

/1 This includes unexpiring capacity contracts of 3,077 kW in summer season and 157 kW in winter season.

/2 Energy production capability on page 5 less losses.

/3 Difference of total energy reserved for existing customers, page 2, Appendix A and total annual energy available.

/4 From page 4, Appendix A.

/5 Capacity reservations are the product of the total seasonal capacity and the ratio of customer energy reservation to the total annual energy.

/6 Energy reservations are the product of the total seasonal energy and the ratio of customer energy reservation to the total annual energy.

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BILLING CODE 6450-01-C

Salt Lake City Area; Proposed Post-1989 General Power Marketing Criteria

AGENCY: Department of Energy, Western Area Power Administration.

ACTION: Publication of the Proposed Post-1989 General Power Marketing Criteria and Announcement of Public Information and Comment Forums on the Proposed Criteria and Final Request for Applicant Profile Data.

SUMMARY: The Western Area Power Administration (Western) has been developing a new marketing criteria for the Colorado River Storage Project (CRSP), Collbran, Provo River, and Rio Grande Projects since the initial public information forum was held on May 22, 1980, in Salt Lake City, Utah. In the proposed criteria, Western would contractually consolidate and operationally integrate the four Salt Lake City Area (SLCA) projects identified above, hereinafter called the SLCA Integrated Projects. Each of the four projects would retain its separate financial obligations for repayment, but a SLCA Integrated Projects rate would be set to recover revenues to meet the repayment requirements of all projects. The post-1989 marketing plan for the Falcon and Amistad Projects has already been implemented and power from these resources placed under contract. The Proposed General Power Marketing Criteria for the SLCA Integrated Projects is published herein. Notice is hereby given that the February 9, 1978, General Power Marketing Criteria for the Colorado River Project will be superseded. A public information forum to discuss the new criteria is scheduled for Wednesday, September 7, 1983, at 9:30 a.m. at the Hotel Utah (Grand Ballroom I) in Salt Lake City, Utah. A public comment forum is scheduled for Wednesday, October 5, 1983, at 9:30 a.m. at the Hotel Utah (Grand Ballroom III). A brief description of the projects included in the SLCA Integrated Projects follows.

Colorado River Storage Project and Participating Projects (Glen Canyon, Flaming Gorge, Blue Mesa, Crystal, Morrow Point, and Fontenelle Powerplants). Authorized in 1956, the CRSP initiated the comprehensive development and use of water resources of the Upper Colorado River. CRSP storage units stabilize the erratic flows of the Colorado River and its tributaries so that annual water delivery commitments to the Lower Colorado River Basin, as well as to farmers, municipalities, and industries in the Upper Basin, can be met. Delivery of this water to consumers is accomplished through the participating projects. Several participating projects have been completed, one of which has a powerplant (Fontenelle), and others, such as the Central Utah Project, are under construction. Additional development is expected in future years.

Initial generation began in 1963. The maximum operating capacity of the six powerplants is currently about 1,550 MW. The adjusted average annual generation over the 11-year period from 1972 through 1982 was about 5,588,000 MWh. An adjustment was made to properly reflect generation at the Crystal Powerplant since 1978. These resources are being marketed to about 100 customers and many additional member systems. Existing contracts, with one exception, will terminate at the end of the September 1989 billing period. It terminates on November 25, 1991.

Collbran Project (Upper Molina and Lower Molina Powerplants). Authorized in 1952 and in service since 1962, the output of the Collbran Project is sold to one customer. The maximum operating capacity of the two powerplants is presently 14.0 MW. The average annual

generation over the 18-year period from 1965 through 1982 was 53,300 MWh. The existing contract terminates at the end of the September 1989 billing period.

Rio Grande Project (Elephant Butte Powerplant). The Rio Grande Project was authorized in 1905, and the powerplant went into service in 1940. The maximum operating capacity of the Elephant Butte Powerplant is 27.0 MW. The average annual generation was 60,700 MWh for the 41-year period from 1941 through 1981. Rio Grande resources are marketed to two customers. The existing sales contracts terminate on September 30, 1989.

Provo River Project (Deer Creek Powerplant). The Deer Creek Powerplant was authorized on August 20, 1951, completed in 1958, and began generation the same year. The maximum operating capacity of Deer Creek Powerplant is about 5.0 MW and the average annual energy production for the 24-year period from 1958 through 1981 was 25,600 MWh.

A contract dated December 20, 1938, among the United States, the Provo River Water Users Association, Weber River Water User's Association, and Utah Power & Light Company (Company) is terminable only by the mutual consent of the parties. Articles 15 and 16 of the contract provide for the concurrent replacement of capacity and energy losses experienced by the Company as a result of the diversion of Weber River water to the Provo River, that would otherwise have been used by the Company to generate power at their hydroplant on the Weber River. However, the Company has accepted available generation from the Deer Creek Powerplant for a period, usually a month at a time, as satisfactory replacement of the losses experienced. The diversions are made from October 15 to April 15. CRSP has purchased the remaining output, except for power sales to the two small project-related loads at the dam site which generally total less than 100 MWh a year.

DATES: The public information forum will be held on September 7, 1983, beginning at 9:30 a.m. at the Hotel Utah (Grand Ballroom I) in Salt Lake City, Utah. Western's representatives will explain the proposals and answer questions at the public information forum. Responses to questions unanswered at the forum will be provided in writing within a reasonable period of time. The public comment forum will be held on October 5, 1983, beginning at 9:30 a.m. at the Hotel Utah (Grand Ballroom III) in Salt Lake City, Utah. An opportunity will be given all interested parties to present written or oral statements at the public comment forum. Those wishing to comment at the forum should submit a written request to the Area Manager by September 28, 1983, so a speaker list can be developed. The forums will be transcribed and copies will be available upon request from the firm providing the service. Applicant profile data *must* be submitted to Western on or before November 15, 1983, by those interested in obtaining an allocation of capacity and energy from the SLCA Integrated Projects which have not already provided the data. Written comments may be submitted to Western on or before November 15, 1983.

ADDRESS: Applicant profile data, written comments on the proposed criteria and marketing plan, and requests to make oral statements at the public comment forum should be sent to: Mr. Albert M. Gabiola, Area Manager, Salt Lake City Area Office, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147, Telephone: (801) 524-6372.

Further information concerning the public forums may also be obtained from Mr. Gabiola.

Copies of comments by interested parties will be available in the following Western offices after November 25, 1983:

Boulder City Area Office, Western Area Power Administration, P.O. Box 200, Boulder City, NV 89005

Loveland-Fort Collins Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539

Salt Lake City Area Office, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147

Western Area Power Administration, P.O. Box 3402, Golden, CO 80401

SUPPLEMENTARY INFORMATION: The major features of the proposed post-1989 marketing plan are listed below:

1. Resources from the Colorado River Storage Project, Collbran, Provo River, and Rio Grande Projects shown in Appendix A to the proposed criteria would be allocated for a 10-year period ending September 1999. Existing resources plus capacity available from the uprating of the Glen Canyon Units will be allocated. A 10-year period has been chosen because more firm capacity can be committed for 10 years than for a longer period. An option has been included providing for the withdrawal of resources from the Southern Division in 1999. This would result in a reallocation at that time. New or revised marketing criteria would be developed as necessary when additional Federal power resources are made available.

2. The contractual consolidation and operational integration of the Colorado River Storage, Rio Grande, Collbran, and Provo River Projects would result in increased long-term firm capacity for preference customers. Repayment requirements would be determined separately for each project, but a common rate would be established for the SLCA Integrated Projects. Preliminary power repayment studies indicate that the composite rate would increase the CRSP rate by about 0.1 mill, and would significantly reduce the Collbran and Rio Grande rates—about 10 and 20 mills, respectively. Provo River is not presently marketed separately and therefore does not have an established commercial rate. While existing Collbran and Rio Grande contractors would retain an equivalent amount of capacity now available from those projects, the additional marketable capacity and a small amount of energy would be redistributed among other customers.

3. The SLCA Integrated Projects' market area through September 1999 would be the same as the existing market area for the CRSP, except for that portion of California east of 115° longitude, formerly included in the Southern Division, which has been removed from the market area in this proposed criteria.

If the option to withdraw SLCA resources from the Southern Division in 1999 is selected, the market area for these resources would be the same as the existing Northern Division described in the proposed criteria. Many existing customers from both the Northern and Southern Divisions have indicated that the CRSP resource should not be withdrawn from the Southern Division. This option is being considered in response to the suggestion that the overlap of marketing areas for Colorado River resources should be eliminated.

4. One class of service, long-term firm capacity with energy, would be offered for each of two 6-month seasons on a long-term 10-year basis.

5. The summer season would be from April through September and the remaining 6 months would be the winter season.

6. Long-term firm capacity would be based on the maximum operating capacity at Collbran, Rio Grande and Provo River Powerplants. It would be based on 90 percent hydrological probability at CRSP powerplants. Firm capacity in excess of that available under the most adverse hydrological conditions would be purchased on a pass-through-cost basis when and to the extent that the SLCA Integrated Projects

capacity is not available, unless a contractor advises Western not to purchase capacity on its behalf. The total amount of available firm capacity and the portion subject to firming purchases on a pass-through-cost basis are set forth in the Appendix A to the proposed criteria.

7. Firm energy would be based on average hydrological conditions, forecasted to occur during the contract term. Western is considering an option to obligate long-term firm energy at a level that exceeds that based on average hydrological conditions by about 400 GWh. Purchase costs incurred in meeting energy commitments would also be on a pass-through-cost basis to those customers desiring such service. Purchase requirements would be somewhat offset by utilization of energy reserved for project use loads until such time as these loads are fully developed.

8. Project generated surpluses would be sold under terms and conditions established at the time the surpluses occur. Surpluses include both capacity and energy in excess of long-term commitments. The Salt Lake City Area would continue to purchase or exchange capacity and energy; engage in transactions such as delivering or receiving interchange, emergency service, and maintenance services; participate in various resource coordination and joint transmission programs; and provide for the use of its transmission facilities.

9. Power reserved for project use purposes was deducted prior to prorating available CRSP resources between the Northern and Southern Divisions. The Southern Division's share would be 20 percent of the marketable resources from CRSP in the summer and 7 percent in the winter, through September 1999. The determination of an appropriate level for project use is still a matter of discussion between Western and the Bureau of Reclamation. In the event those estimates are changed, the marketable capacity and/or energy for preference customers will also change. Power reserved for project uses will be marketed on a short-term basis until required for project purposes.

10. Existing and potential new preference customers would have until January 1, 1984, to demonstrate that they are eligible to participate in the allocation process, based on the eligibility requirements detailed in the accompanying proposed criteria.

11. To ensure widespread and equitable distribution of the benefits of Federal power, a portion of the available capacity and energy for preference customers in the Salt Lake City Area of the Northern Division in each season (about 5 to 10 percent) will be reserved for new customers and existing customers who were entitled to less than 25 percent of their average energy requirements during 1980–1982 from Federal resources that were committed on a long-term basis.

12. Energy would be proportionately allocated among eligible existing customers in the Northern and Southern Divisions on the basis of existing long-term firm capacity entitlements, excluding peaking capacity. If an existing wholesaling utility customer does not qualify for an allocation, the existing commitment to that wholesaling utility would be distributed among its retailing members. The members of such wholesaling utilities will be allowed to determine how such distribution should be made. In the event that the membership fails to agree on a distribution, Western will make the determination based upon allocations prior to the assignment of individual allocations to such wholesaling utilities, or if that information is unavailable, on the basis of some appropriate year load data for the individual members.

Once the energy allocations are established, each allottee will have an opportunity to request capacity to go with the energy based upon his individual load characteristic. If there is insufficient capacity in the reservation for that group to satisfy all of the capacity requested, Western may limit the capacity entitlement to a load factor that is equal to the estimated seasonal plant factor of the resource. The Administrator may deviate from the application of this allocation criteria when special circumstances warrant it.

13. Allottees would have 6 months to accept an offered contract or until September 30, 1985, whichever is later, and must have the means to distribute power by September 30, 1988.

14. Contractors would be required to develop a conservation and renewable energy (C&RE) program; may sell surplus energy to Western upon mutually agreeable terms; would be entitled to fixed, maximum monthly amounts of capacity and energy; would have minimum monthly schedule obligations; and would be subject to other specified delivery conditions. The C&RE article of the contract would be implemented within a year after the execution of the contract.

To be eligible to be considered for an allocation of capacity and energy from the SLCA Integrated Projects under the final marketing plan, those interested utilities not having already done so *must* furnish applicant profile data to the Salt Lake City Area Manager on or before November 15, 1983. This data will be utilized for other purposes as well. The content and format of the requested data was published in the **Federal Register** dated February 4, 1983, and is repeated below:

Applicant Proifile Data

1. *Eligiblity.* A statement of eligibility as a preference customer under Reclamation Law and pertinent statutes, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)).

2. *Organization.* A brief description of the organization that will interact with Western on contract and billing matters.

3. *Loads.* a. Number and type of customers served: residential, commercial, industrial, military base, and agricultural.

b. Monthly maximum demand and energy use for 1980, 1981, and 1982 versus contract rates of delivery for Federal power.

c. Seasonal load duration curves for summer and winter seasons for 1980, 1981, and 1982 for the total system load or hourly load data for producing such load duration curves.

d. Average annual seasonal and monthly load factors for the total system for 1980–1982.

e. Projected load factors and monthly capacity and energy demand 1983–2010 period. Indicate forecasting method and basic assumptions.

4. *Resources.* a. List of operating generating resources, if any, including capacity, location, and 1982 availability factor.

b. Estimated percent of total supply received from Western, 1983–1989.

c. Status of power supply contracts with parties other than Western.

5. *Transmission.* a. Voltage of service required and possible delivery points.

b. A brief description of the type of transmission service being requested of Western, direct or wheeled.

6. *Renewable Resources and Cogeneration Projects.* a. List of future firm and planned resources, if any, including capacity, location, scheduled operation date, and expected average annual lifetime capacity factor.

b. Estimated busbar cost (cent/kWh) of each project in 1983 dollars.

c. As appropriate, proposed plans for wheeling to Western's system.

7. The name, address, and telephone number of a person from the consulting firm used, if any.

8. Any other information the applicant desires to include.

9. The signature and title of an appropriate official who is able to attest to the validity of the data submitted and

who would be authorized to submit an application for power.

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.), each agency, when required by 5 U.S.C. 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. In this instance, the marketing plan relates to electric services provided by Western.

Under 5 U.S.C. 601(2), services are not considered "rules" within the meaning of the Act. Therefore, Western believes that no flexibility analysis is required.

Environmental Evaluation

In compliance with the National Environmental Policy Act of 1969 (NEPA) and the Department of Energy (DOE) regulations published in the **Federal Register** on February 23, 1982 (47 FR 7976), Western conducts environmental evaluations of certain rate and allocation actions. Under the DOE regulations, Western will make an evaluation and determination of the possible environmental impacts of the proposed marketing plan. A memorandum will be prepared explaining the basis for that determination and an administrative determination will be made of what level documentation under NEPA is required.

Determination Under Executive Order 12291

The Department of Energy has determined that this is not a major rule because it does not meet the criteria of section 1(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981). Western has an exemption from sections 3, 4, and 7 of Executive Order 12291.

The Proposed General Power Marketing Criteria for the Sale Lake City Area is published herewith.

Issued in Golden, Colorado, August 17, 1983.

Robert L. McPhail,

Administrator.

Proposed General Power Marketing Criteria for the Salt Lake City Area Western, Area Power Administration, U.S. Department of Energy, August 1983

Part I—General

1. Applicability

These criteria are based upon the provisions of the Acts of Congress approved June 17, 1902 (32 Stat. 388), February 25, 1905 (33 Stat. 814), August 4, 1939 (53 Stat. 1187), July 3, 1952 (66 Stat. 325), June 18, 1954 (68 Stat. 255), April 11, 1956 (70 Stat. 105), July 7, 1960 (74 Stat. 360), December 23, 1963 (77 Stat. 475), August 4, 1977 (91 Stat. 565), and acts amendatory thereof or supplementary to the foregoing acts, and shall become effective upon approval and promulgation by the Administrator of the Western Area Power Administration (Western). Existing contract arrangements will only be affected upon amendment by the parties. On the first day of the October 1989 billing period, these criteria will supersede and replace the "General Power Marketing Criteria" for sale of power from the Colorado River Storage Project (CRSP) effective February 9, 1978, and apply to all Federal Power marketed by Western's Salt Lake City Area (SLCA). The criteria are subject to change upon reasonable notice by the Administrator and the opportunity for comment by interested parties.

2. Marketable Resources

A. *SLCA Integrated Projects.* The SLCA Integrated Projects are those hydroelectric resources operated within the Salt Lake City Area by the Bureau of Reclamation, including the CRSP and Participating Projects, the Collbran, Provo River, and Rio Grande Projects. Marketable firm resources as of October 1989 are listed below:

Marketable firm capacity	Winter (megawatts)	Summer (megawatts)
CRSP	1369	1282
Collbran	14	14
Provo River	5	5
Rio Grande	27	27
SLCA Integrated Projects [1]	1415	1328

[1] These amounts are subject to confirmation or revision by the Bureau of Reclamation prior to the finalization of this criteria.

Marketable firm energy	Winter (gigawatt-hour)	Summer (gigawatt-hour)
CRSP	2462.6	2701.3
Collbran	17.5	32.3
Provo River		17.7
Rio Grande	18.2	38.5
SLCA Integrated Projects [1]	2518.3	2789.8
Plus Optional Purchases	189.8	210.2
Total	2708.1	3000.0

[1] These amounts are subject to confirmation or revision by the Bureau of Reclamation prior to the finalization of this criteria.

B. *Falcon-Amistad Projects.* The Falcon-Amistad Projects are those hydroelectric resources operated within the SLCA by the International Boundary and Water Commission. These marketable resources have been committed under the terms and conditions of Contract No. 7-07-50-P0890 dated August 9, 1977, with South Texas and Medina Electric Cooperatives until June 8, 2033. Said contract embodies the marketing criteria for these projects.

C. *Future Resources.* New or revised marketing criteria will be developed as necessary when additional Federal power resources are made available. (Criteria for marketing resources from the proposed Diamond Fork Powerplants are presently being developed.)

Part II—Marketing Criteria for SLCA Integrated Projects

1. *Market Area.* The market area within which the power from the SLCA Integrated Projects will be marketed is divided into Northern and Southern Divisions through the September 1999 billing period.

A. The Northern Division consists of the States of Colorado; New Mexico; Utah; Wyoming; the city of Page, Arizona; a portion of the area in Arizona which lies in the drainage area of the Upper Colorado River Basin to be served by the Navajo Tribal Utility Authority, and White Pine County and portions of Elko and Eureka Counties in Nevada.

B. The Southern Division consists of the remaining portion of the State of Arizona, and that part of the State of Nevada in Clark, Lincoln, and Nye Counties which comprise the southern portion of the State.

(Option under consideration: The market area within which the power from the SLCA Integrated Projects will be marketed, beginning with the October 1999 billing period, will consist of the States of Colorado; New Mexico; Utah; Wyoming; the city of Page, Arizona; a portion of the area in Arizona which lies in the drainage area of the Upper Colorado River Basin to be served by the Navajo Tribal Utility Authority, and White Pine County and portions of Elko and Eureka Counties in Nevada.)

2. *Service Seasons.* A. Summer Season. The 6-month period from the first day of the April billing period through the last day of the September billing period in any calendar year.

B. Winter Season. The 6-month period from the first day of the October billing period of any calendar year through the last day of the March billing period of the next succeeding calendar year.

3. *Classes of Service.* Classes of service available for marketing shall be as follows:

A. Long-Term Firm Capacity with Energy. Long-term firm capacity and associated energy available therewith through September 1999, shall be as stated in Appendix A.

B. Short-Term Capacity with or without Energy. To the extent that project uses, as estimated in Appendix A, have not developed and/or annual streamflow conditions and reservoir operations result in the production of greater amounts of capacity than what is committed on a long-term basis, short-term capacity with or without energy will normally be offered for sale on a season-by-season or monthly basis. Such offers will be for firm capacity with energy, without energy, or with the return of energy. This capacity and/or energy may be used in a resource coordination program.

C. Other Services. In addition to marketing the above classes of power, the SLCA will engage in other transactions such as delivering or receiving interchange, emergency assistance, or maintenance services to the extent water and power resources permit. To the extent transmission capacity is determined to be available for such purposes, Western will provide firm and nonfirm transmission service and enter into other use of facilities arrangements. In order

to conserve fossil fuels, enhance the environment, and ensure the availability to preference customers of contracted amounts of capacity and energy, the SLCA will purchase or exchange capacity and energy as necessary or desirable to supplement its resources. Nonfirm energy service may be available as a result of these purchases or exchanges.

4. *Derivation of Marketable Resources.* Capacity available from SLCA resources will be based on the maximum operating capacity of the powerplants of the Collbran, Rio Grande and Provo River Projects along with the capacity from the CRSP powerplants based on 90 percent hydrological probability during the period from 1989 to 1999. This defined at-plant capacity available from Colorado River Storage, Collbran, Rio Grande, and Provo River Projects includes a component of capacity that may require firming purchases (see Appendix A). Energy available for load will be based on average hydrological conditions projected for the contract period. [Option under consideration: Energy available for load will exceed that based on average hydrological conditions projected for the contract period by about 400 GWh.] Capacity and energy will be reserved for certain priority uses such as Bureau of Reclamation project uses and desalting loads in accordance with statutory requirements. All remaining resources will be marketed in accordance with applicable laws and policies.

The derivation of the marketable resources of the SLCA Integrated Projects and the availability of these resources by seasons is contained in Appendix A.

5. *Eligibility Requirements.* Resources from the SLCA Integrated Projects will be allocated in accordance with the preference provisions of Reclamation law in the following order of priority:

A. Preference entities within the SLCA Integrated Projects' market area;

B. Preference entities outside the market area; and

C. Nonpreference entities within the SLCA Integrated Projects' market area.

These priorities may be recognized within pricing blocks for nonfirm energy.

The following requirements must be met in order to be eligible for an allocation of long-term resources from the SLCA Integrated Projects:

A. Each potential new customer must have had a 1982 load greater than 100 kilowatts.

B. On or before January 1, 1984, each potential applicant must be:

(1) A utility, primarily engaged in retail sales of electricity, with responsibility for the load to be served; or

(2) A utility, primarily engaged in wholesale sales that is qualified for an allocation, as described below; or

(3) A Federal or State ultimate-consumer type load, including such loads of State government whose use enhances the available Federal power resources; or

(4) An existing Western contractor for long-term firm power.

Wholesale utilities, such as generation and transmission cooperatives, municipal joint action agencies, incorporated power or transmission projects, or State governmental agencies (which, like Western, are primarily wholesalers of power without end-customer deliveries) will be qualified for allocations of power and energy under this plan if the Administrator concludes that the following objectives will be achieved:

(i) The benefits of federally financed power are distributed at the lowest possible rates to consumers consistent with sound business principles.

(ii) That consumers can identify their true power supply costs from all sources (including Federal) such that true costs of growth and benefits of conservation are readily identifiable.

(iii) That "accountability" for the cost and management of the Federal investment is directly linked between the power marketing agency and the retailing utility so that a retailing utility can identify cost and other significant characteristics of each of its wholesale supplies.

Part III. Allocation of Marketable Resources

1. *Basis for Allocations.* The total amounts of long-term capacity and energy available for allocation to the Northern and Southern Divisions of the market area are described in Appendix B. The CRSP resource only will be allocated to the Southern Division in amounts of 20 percent in the summer season and 7 percent in the winter season. The balance of the SLCA Integrated Projects resource will be allocated to the Northern Division.

To promote the widespread and equitable distribution of the benefits of available Federal capacity and energy, capacity in excess of amounts presently under contract, and associated energy, will be reserved for new Northern Division customers in the SLCA and existing customers in the SLCA who were entitled to receive less than 25 percent of their average energy requirements during 1980–82 from Federal resources that were committed on a long-term basis. Total capacity available to the Southern Division in the post-1989 period is not significantly different from that presently available and will be offered to existing customers only.

Available energy will be allocated to eligible existing customers in both the Northern and Southern Divisions for each season in proportion to their existing long-term firm capacity entitlements, excluding peaking capacity. Eligible existing customers may request capacity with such energy to reflect their individual system characteristics. If there is insufficient capacity to satisfy the requests, the Administrator will limit the capacity allocated to a load factor that is equal to the estimated seasonal plant factor of the resource. The Administrator may deviate from the application of this allocation criteria when special circumstances warrant it.

The energy available in the SLCA for new customers and certain existing customers—those who were entitled to receive less than 25 percent of their average energy requirements during 1980–82 from Federal resources—will be proportionally allocated based on their load requirements for a recent 3-year period, except that a seasonal energy allocation may not exceed an amount of energy associated with 10,000 kilowatts at the seasonal capacity factor of the available resources or an amount equal to the difference between 25 percent of their average energy requirements during 1980–82 and their total available long-term Federal resources for the period, whichever is less. Capacity available for these customers will be allocated to individual applicants within the SLCA on the same basis as described above.

2. *Limit on Allocations.* No applicant shall receive an alloçation of SLCA Integrated Projects capacity so that its total post–1989 firm power entitlements from all Federal sources exceed its average peak demands for the 3-year period ending with 1982.

3. *Reallocations.* Firm capacity and energy available for marketing because an allottee has failed to accept a contract within the period allowed or because a contract has been terminated may be reallocated.

Part IV—Contract Arrangements

Eligible entities receiving an allocation are entitled to contract for the allocated resources. Western will offer a contract based on these General Power Marketing Criteria for the SLCA. Allottees will have 6 months to accept the offered contract or until September 30, 1985, whichever is later, and must have the means to distribute power by September 30, 1988.

1. *General Contract Terms.* A. Existing contracts will be allowed to expire by their own terms. Contracts offered for the sale of newly allocated long-term capacity with energy will become effective on the first day of the October 1989 billing period (or upon expiration of an existing contract if later) as to the delivery of power and energy and will terminate on the last day of the September 1999 billing period. Said contracts will implement the Conservation and Renewable Energy Article within 1 year of the date of execution of the contract.

B. The development of a conservation and renewable energy (C&RE) program is a responsibility of each customer benefiting from the purchase of long-term federally-generated power. An "Announcement of Final Guidelines and Acceptance Criteria for Customer Conservation and Renewable Energy Programs" was published in the **Federal Register** (46 FR 56140) on November 13, 1981. In order to achieve the purposes listed therein, Western will guide and assist the preference customer in the development of its C&RE program, as requested and to the extent possible. Failure to develop a program that meets the criteria for acceptance by Western may result in a 10 percent reduction in Western's commitment to the customer.

C. Contract provisions that enable preference customers to sell surplus energy to Western upon mutually agreeable terms will be offered to customers with generation.

2. *Long-Term Capacity and Energy Obligations.* Fixed monthly capacity and energy delivery obligations for each season shall be set forth in each customer's power sales contract. These amounts will be determined in accordance with the estimated monthly pattern of the SLCA Integrated Projects resource and are listed in Appendix C. Western's capacity obligation for any given hour will be limited to the actual power

scheduled during that hour; i.e., customers will not be entitled to claim unscheduled firm power as their operating reserve capacity.

The monthly energy obligations may be increased from time-to-time should short-term conditions allow. If the established limit is increased for any month, it may be subsequently decreased, but in no event shall it be decreased below the monthly energy delivery obligations set forth in the power sales contract. Western will purchase firming energy for those customers desiring it, on a pass-through cost basis, up to the amount of Western's contractual obligation to provide energy.

Western and the preference customers will establish mutually agreeable scheduling and accounting procedures, based upon standard utility industry practices, which will provide efficient, practicable utilization of capacity and energy. These procedures will be set forth in the SLCA contracts or in separate written agreements made a part thereof. The amount of each customer's firm capacity which may be supplied with purchased firming capacity on a pass-through cost basis, will be identified in the contract. To the extent such firm capacity is not available from the resources of the SLCA Integrated Projects for any season, Western will purchase firming capacity at the customer's expense unless a contractor advises Western not to purchase such capacity on its behalf.

A. Scheduling

(1) The maximum scheduled rate of delivery for long-term firm capacity in each billing period will be the monthly capacity obligations based on the monthly resource pattern set forth in Appendix C.

(2) The minimum scheduled rate of delivery for long-term firm capacity in each billing period will be 65 percent of the average capacity, determined by dividing the monthly energy obligation by the number of hours in the month. This minimum schedule will normally be required to meet downstream water release requirements, to purchase firming energy, and to make purchases for a fuel replacement or other resource coordination program at a level that will allow utilization of operating reserves. The required minimum scheduled rates may be changed by Western as necessary for the above purposes.

(3) Deviations from the two basic parameters above may be required or permitted. If operating conditions warrant and Western so requests, each customer will schedule its resources from the SLCA Integrated Projects to approximate normal hourly and daily load patterns to avoid abrupt changes in water releases and generation levels or other undesirable results. Upon request by the customer, the requirement for a minimum schedule during onpeak perioods may be waived by Western if operating conditions permit.

B. Accounting

The amounts of capacity and/or energy to be paid for by the customer will be determined in accordance with the accounting procedures set forth in the contracts, or in separate written agreements made a part thereof. Said accounting procedures will include procedures for determining amounts of power and energy delivered to the customer at each point of delivery or point of use. These producers will also provide for billing at multiple points of delivery. If the contractor's system is operated so as to permit power to flow between points of delivery, billing will be on a coincidental basis. Otherwise, billing at multiple points of delivery will be on a noncoincidental basis.

The cost of firming capacity and energy purchased in order to meet the contractual obligation to deliver the SLCA Integrated Projects capacity and energy to customers in each fiscal year shall be the average cost of such capacity and energy purchased in the SLCA during the fiscal year. These costs shall be accrued during the fiscel year in which they are incurred and, to the extent they were not anticipated and collected during the same fiscal year, they will be billed to customers during the following fiscal year or portion thereof, as Western deems appropriate, along with the regular monthly power bill, except that if the necessary revolving funds or appropriations are not available to Western, then trust funds will be established prior to Western's expenditures for purchasing firming capacity and energy.

3. *Delivery Conditions.* Subject to Western's approval, as to location and voltage, normal delivery will be made at the SLCA Integrated Projects' transmission system voltages or at the customer's transmission voltage. Delivery may continue to be made at subtransmission voltages at powerplant and substation locations where customers already have systems operating at such lower voltage levels.

Designated or equivalent federal points of delivery will be at:

(A) Points on the SLCL Integrated Projects' transmission system; or

(B) Points on the system of a non-Federal entity which have been established as delivery points under arrangements between Western and that entity.

If such arrangements are terminated, then the delivery points under (B) above will be rescinded. These points are listed below and may be modified as provided herein.

DESIGNATED OR EQUIVALENT FEDERAL POINTS OF DELIVERY, TAP POINTS, AND VOLTAGES

	Kilovolt
Arizona:	
Glen Canyon	69
Mesa [1]	230
Pinnacle Peak [1]	230
Colorado:	
Ault	230
Beaver Creek [2]	115
Collbran Switchyard	115
North Main Tap (Gunnison)	115
Gore Pass Tap	138
Green Mountain	115
Gunnison	115
Hayden	138
Lost Canyon	[3]115, 230
Midway	115, 230
Montrose	115
Pueblo [2]	115
Rangely	138
Salida (Poncha Junction)	115
Skito Tap	115
Story [2]	230
Weld	115, 230

DESIGNATED OR EQUIVALENT FEDERAL POINTS OF DELIVERY, TAP POINTS, AND VOLTAGES—Continued

	Kilovolt
New Mexico:	
Albuquerque [2]	115
Ambrosia Lake [2]	115
Elephant Butte	115
Shiprock	115, 230
Utah:	
Brigham City Tap [2]	138
Bountiful Tap [2]	138
Centerfield [2]	138
Deer Creek	46
Fillmore [2]	138
Flaming Gorge	24.9, 69
Hale Plant Tap [2]	138
Hyrum [2]	138
Murray Tap [2]	138
New Castle Tap [2]	138
Parsgonah [2]	138
Sigurd [2]	138
Smithfield Tap [2]	138
South Provo Tap [2]	138
Springville [2]	138
St. George [2]	138
Vernal	138
Upalco Tap [2]	138
Henrieville Tap [2]	230
Wyoming: Archer	115, 230

[1] Deliveries to Southern Division Nevada customers are made from Mesa or Pinnacle Peak.
[2] Points of Delivery on system of non-Federal entity.
[3] Scheduled for updating to 345 kV by 1988.

The listing of the above points of delivery does not imply any obligation for Western to furnish additional facilities or to increase transmission or transformer capabilities at those points. Additional delivery points requested by the customers and approved by Western will be permitted, provided that they meet the above criteria and will not result in any expense or loss of revenue to the SLCA Integrated Projects. Delivery will not be made from transformer capacity required for project purposes. Taps on the SLCA Intergrated Projects' or other transmission system, the customer's expense, will be on a case-by-case basis, with final determination of necessity and desirability to be made by Western and/or the owner of such transmission system.

4. *Delivery of Power Beyond Delivery Points.* All costs, including losses, for delivery of power and energy beyond the delivery points specified herein shall be borne by the customer. Instances where additional transmission line capacity is required to effect delivery beyond the SLCA Integrated Projects' delivery points will be considered as individual cases to be justified on their own merits.

The following alternatives are available to customers for accomplishing delivery of power beyond the system delivery points shown herein:

A. The customer or customres may build all facilities to accept delivery at the established voltage at identified delivery points, in which case the customer will pay the standard rates for power.

B. Arrangements may be made with a third party to wheel and delivery power to a customer's point of use. Such arrangements will normally be made by the customer, or by a group of customers, with Western's assistance if desired. When the customer makes its own wheeling arrangements, the customer will be billed by the wheeling agent

and will pay the wheeling charges directly to the wheeling agent. Western may make the wheeling arrangements on behalf of the customer or a group of customers if the costs are passed through to the customers.

C. Western may construct the transmission line facilities required beyond the identified delivery points, if the cost of the facilities constructed by Western beyond such delivery points are borne by the beneficiaries thereof.

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Appendix A
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Derivation of Marketable Resources
SLCA Integrated Projects

	CRSP		Collbran		Rio Grande		Provo River		Total	
	Winter	Summer	Winter	Summer	Winter	Summer	Winter	Summer	Winter	Summer
CAPACITY-MW										
Maximum Capacity at Plant	1,769[1/]	1,769[1/]	14.0	14.0	27.0	27.0	5.0	5.0	1,815.0	1,815.0
Unavailable Capacity[2/]									222.0	179.0
Available Cap. at Plant[2/]									1,593.0	1,636.0
Less Reserves									145.0	145.0
Capacity at Load									1,448.0	1,491.0
Less Est. Project Use									33.0	163.0
MARKETABLE FIRM CAPACITY									1,415.0	1,328.0
At Normal Capacity Charge[3/]									1,280.0	1,212.0
Subject to Surcharge[4/]									135.0	116.0
Total									1,415.0	1,328.0

1/ Includes estimated generator uprate capacity at Glen Canyon.
2/ Availability based on 90% probability for CRSP.
3/ Based on most adverse condition for CRSP.
4/ Subject to surcharge for firming capacity purchases made on a pass-through-cost basis.

BILLING CODE 6450-01-M

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Without Purchases

Derivation of Marketable Resources
SLCA Integrated Projects

	CRSP		Collbran		Rio Grande		Provo River		Total	
	Winter	Summer	Winter	Summer	Winter	Summer	Winter	Summer	Winter	Summer
ENERGY-GWH										
Avg. Generation at Plant 1/	2,593.0	3,355.0	18.7	34.6	19.5	41.2	3/	18.9	2,631.2	3,449.7
Adjusted at Plant 2/									2,741.7	3,339.2
Less Losses (7%)									179.4	218.4
Avg. Project Gen. at Load									2,562.3	3,120.8
Less Est. Proj. Use Load									44.0	331.0
MARKETABLE FIRM ENERGY									2,518.3	2,789.8

1/ Based on hydrological study prepared by Western.
2/ Energy has been shifted from the summer to the winter season to equitably distribute energy reductions among existing customers.
3/ The average winter season generation of 6.7 GWh was not included as a marketable resource. Winter generation has been provided to Utah Power & Light Company as a result of the Weber-Provo River water exchange agreement.

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Option With Purchases

Derivation of Marketable Resources
SLCA Integrated Projects

	CRSP		Collbran		Rio Grande		Provo River		Total	
	Winter	Summer	Winter	Summer	Winter	Summer	Winter	Summer	Winter	Summer
ENERGY-GWH										
Avg. Generation at Plant 1/	2,593.0	3,355.0	18.7	34.6	19.5	41.2	3/	18.9	2,631.2	3,449.7
Adjusted at Plant 2/									2,741.7	3,339.2
Less Losses (7%)									179.4	218.4
Avg. Project Gen. at Load									2,562.3	3,120.8
Less Est. Proj. Use Load									44.0	331.0
Plus Purchases									189.8	210.2
MARKETABLE FIRM ENERGY									2,708.1	3,000.0

1/ Based on hydrological study prepared by Western.
2/ Energy has been shifted from the summer to the winter season to equitably distribute energy reductions among existing customers.
3/ The average winter season generation of 6.7 GWh was not included as a marketable resource. Winter generation has been provided to Utah Power & Light Company as a result of the Weber-Provo River water exchange agreement.

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Appendix B
Without Purchases

COMPARISON OF EXISTING COMMITMENTS AND
PROPOSED RESOURCE ALLOCATIONS
SLCA INTEGRATED PROJECTS

	Winter			Summer		
	Proposed	Exist. Commit.	Chge.	Prop.	Exist. Commit.	Chge.
MARKETABLE FIRM CAP. - MW	1415	1293	+122	1328	1276	+ 52
Southern Division	96	93	+3	256	265	- 9
Northern Division	1319	1200	+119	1072	1011	+ 61
Existing Customers	1200	1200	-	1011	1011	-
New Customers	119	0	+119	61	0	+ 61
Detail - No. Division						
CRSP	1273	1186	+ 87	1026	973	+ 53
Collbran	14	14	-	14	14	-
Provo River	5	0	+ 5	5	0	+ 5
Rio Grande	27	0	+ 27	27	24	+ 3
	1319	1200	+119	1072	1011	+ 61
MARKETABLE FIRM ENERGY - GWH	2518.3	2659.9	-141.6	2789.8	3041.8	-252.0
Southern Division	170.9	214.2	- 43.3*	537.8	612.0	- 74.2*
Northern Division	2347.4	2445.7	- 98.3	2252.0	2429.8	-177.8
Existing Customers	2135.6	2445.7	-310.1*	2123.9	2429.8	-305.9*
New Customers	211.8	0	+211.8	128.1	0	+128.1
Detail - No. Division						
CRSP	2311.7	2428.2	-116.5	2163.5	2336.3	-172.8
Collbran	17.5	17.5	-	32.3	32.3	-
Provo River	0	0	-	17.7	0	+ 17.7
Rio Grande	18.2	0	+ 18.2	38.5	61.2	- 22.7
	2347.4	2445.7	- 98.3	2252.0	2429.8	-177.8

Load Factor = 40.6% in winter season (1780 kWh/kW)
48.0% in summer season (2100 kWh/kW)

* Percentage change reflected in proposed amounts of energy for existing customers are as follows:

	Winter	Summer
Southern Division	-20%	-12%
Northern Division	-13%	-13%

The impact on individual existing customers may vary.

August 1983
Appendix B
Option With Purchases

COMPARISON OF EXISTING COMMITMENTS AND
PROPOSED RESOURCE ALLOCATIONS
SLCA INTEGRATED PROJECTS

	Winter			Summer		
	Proposed	Exist. Commit.	Chge.	Prop.	Exist. Commit.	Chge.
MARKETABLE FIRM CAP. - MW	1415	1293	+122	1328	1276	+52
Southern Division	96	93	+3	256	265	-9
Northern Division	1319	1200	+119	1072	1011	+61
Existing Customers	1200	1200	-	1011	1011	-
New Customers	119	0	+119	61	0	+61
Detail - No. Division						
CRSP	1273	1186	+ 87	1026	973	+53
Collbran	14	14	-	14	14	-
Provo River	5	0	+ 5	5	0	+ 5
Rio Grande	27	0	+ 27	27	24	+ 3
	1319	1200	+119	1072	1011	+61
MARKETABLE FIRM ENERGY - GWH	2708.1	2659.9	+ 48.2	3000.0	3041.8	-41.8
Southern Division	183.7	214.2	-30.5*	578.3	612.0	-33.7*
Northern Division	2524.4	2445.7	+78.7	2421.7	2429.8	- 8.1
Existing Customers	2296.6	2445.7	-149.1*	2283.9	2429.8	-145.9*
New Customers	227.8	0	+227.8	137.8	0	+137.8
Detail - No. Division						
CRSP	2488.7	2428.2	+ 60.5	2333.2	2336.3	- 3.1
Collbran	17.5	17.5	-	32.3	32.3	-
Provo River	0	0	-	17.7	0	+17.7
Rio Grande	18.2	0	+ 18.2	38.5	61.2	-22.7
	2524.4	2445.7	+ 78.7	2421.7	2429.8	- 8.1

Load Factor = 43.7% in winter season (1914 kWh/kW)
51.6% in summer season (2259 kWh/kW)

* Percentage change reflected in proposed amounts of energy for existing customers are as follows:

	Winter	Summer
Southern Division	-14%	-6%
Northern Division	- 6%	-6%

The impact on individual existing customers may vary.

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Appendix C

ESTIMATED MONTHLY PATTERNS OF

THE SLCA INTEGRATED PROJECTS RESOURCE

	Seasonal Distribution of Capacity (Percent)	Annual Distribution of Energy (Percent)
October	90.4	6.4
November	90.6	6.5
December	100.0	10.5
January	98.8	10.5
February	86.7	7.5
March	87.9	6.0
Subtotal	-	47.4
April	84.7	6.0
May	85.0	7.2
June	91.0	8.4
July	100.0	11.0
August	99.3	11.0
September	87.8	9.0
Subtotal	-	52.6
Total	-	100.0

[FR Doc. 83-23178 Filed 8-22-83; 8:45 am]
BILLING CODE 6450-01-C

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-00044; BH-FRL 2420-3]

Interagency Toxic Substances Data Committee; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: This notice announces the forthcoming meeting of the Interagency Toxic Substances Data Committee. The meeting is open to the public.

DATE: The meeting will take place from 9:30 a.m. to 12:30 p.m. on Tuesday, September 13, 1983.

ADDRESS: The meeting will be held in the First Floor Conference Room, Council on Environmental Quality, 722 Jackson Pl., NW., Washington, D.C. 20006. Please use the entrance on Jackson Place.

FOR FURTHER INFORMATION CONTACT: Sandra Lee, Executive Secretary, Interagency Toxic Substances Data Committee, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-613G, 401 M St., SW., Washington, D.C. 20460, (202-382-2249).

SUPPLEMENTARY INFORMATION: The regular meetings of the Interagency Toxic Substances Data Committee usually are held on the second Tuesday of alternate months. The next meeting has been scheduled for November 8, 1983, the second Tuesday of November.

Dated: July 18, 1983.

Sandra Lee,

Executive Secretary, Interagency Toxic Substances Data Committee.

[FR Doc. 83-23074 Filed 8-22-83; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 83-815, etc. and File No. 995-CM-P-80 etc.]

BA Co.; Hearing Designation Order

In the matter of applications of Robert A. Gordon d.b.a. The BA Company (CC Docket No. 83-815, File No. 995-CM-P-80), Universal Communications, Inc. (CC Docket No. 83-816, File No. 3841-CM-P-80) and Microband Corporation of America (CC Docket No. 83-817, File No. 3899-CM-P-80) for construction permits in the Multipoint Distribution Service for a New Station at Melbourne, Florida.

Adopted: July 29, 1983.

Released: August 18, 1983.

By the Common Carrier Bureau.

Memorandum Opinion And Order

1. For consideration are the above-referenced applications.[1] These

[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband Corporation of America to Tymshare. *Transfer of Control/MDS*, 85 FCC 2d 1023 (1981).

applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at Melbourne, Florida. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and §0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [3]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and relability of service as set forth in issues (a) and (b).

4. It is further ordered, that Robert A. Gordon d.b.a. The BA Company, Universal Communications, Inc., Microband Corporation of America and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, that parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-23111 Filed 8-22-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 83-811 etc. and File No. 10293-CM-P-80 etc.]

Broadcast Data Corp.; Hearing Designation Order

In the matter of applications of Broadcast Data Corp. CC Docket No. 83-811, File No. 10293-CM-P-80 and Diversified Communications d.b.a. Community Broadcasting Service (CC Docket No. 83-812, File No. 50004-CM-P-81) and Telecommunicatons Systems, Inc. (CC Docket No. 83-813, File No. 50010-CM-P-81) and Kravetz Media Corporation (CC Docket No. 83-814, File No. 50028-CM-P-81) for construction permit in the Multipoint Distribution Service for a New Station at Bangor, Maine.

Adopted July 28, 1983.

Released August 18, 1983.

By the Common Carrier Bureau.

Memorandum Opinion and Order

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at Bangor, Maine. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as a result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the service which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.[3]

3. Accordingly, it is hereby ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[4]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, that Broadcast Data Corp., Diversified Communications d.b.a. Community Broadcasting Service, Telecommunications Systems, Inc., Kravetz Media Corporation and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, that parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

6. It is further ordered, that any authorization granted to Broadcast Data Corp., a wholly-owned subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold an MDS license following a decision in the hearing designated in *A.S.D. Answering Service, Inc., et al.*, FCC 82-391, released August 24, 1982, and shall be specifically

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[1] On September 10, 1981, Richard L. Vega and Christopher Laning executed an Assets Sale and Purchase Agreement with Broadcast Data Corp. to assign the radio authorizations and applications of Northstar Communications to Broadcast Data Corp. Broadcast Data Corp. is a wholly-owned subsidiary of Graphic Scanning Corporation. See International Television Corporation, File No. 50076-CM-AP/AL-(5)-82 (released June 25, 1982).

[2] On March 28, 1983, Northstar Communications was granted an exemption from the Commission's "cut-off" rules pursuant to § 21.31 of the rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive applications.

[3] By Memorandum Opinion and Order adopted June 26, 1981 and released July 2, 1981, Mimeo No. 001863, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to Section 21.31 of the Rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive applications.

[4] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

[3] This finding is subject to paragraph 6, *infra*.

[4] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

conditioned upon the outcome of that proceeding.

7. This Order is effective on its release date. Petitions for reconsideration under Section 1.106 or applications for review under § 1.115 of the Rules may be filed within the time limits specified in those sections. *See also* Rule 1.4(b)(2).

8. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-23106 Filed 8-22-83; 8:45 am]

BILLING CODE 6712-01-M

Maurice W. Coburn et al.; Applications for Consolidated Hearing

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. Maurice W. Coburn	Lake Havasu City, Arizona	BPH-811020AB	83-797
B. David Michael Navarette	Lake Havasu City, Arizona	BPH-820309AD	83-798
C. K-Som Broadcasting (Kenneth A. Jones, Kevin Shepardson and Gary F. Baumkirchner, A Partnership).	Lake Havasu City, Arizona	BPH-820524BE	83-799
D. Nikki Colvin Hill	Lake Havasu City, Arizona	BPH-820830BD	83-800

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 and Applicant(s)

1. (See Appendix)—B
2. Comparative—A, B, C, D
3. 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 procedding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, N.W., 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*, the applicant(s) is financially qualified: B (Navarette)

* 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) and Deficiency

B (Navarette)—Letter from Mortgage Trust Company is not current.

[FR Doc. 83-23109 Filed 8-22-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-776 etc. and File No. BPCT-821209KF etc.]

Fort Collins Television, Inc. et al.; Hearing Designation Order

In the matter of applications of Fort Collins Television, Inc., Fort Collins, Colorado (MM Docket No. 83-776, File No. BPCT-821209KF), Fort Collins Telecasters, a partnership, Fort Collins, Colorado (MM Docket No. 83-777, File No. BPCT-830218KG), Women's Broadcasting of Fort Collins, Fort Collins, Colorado (MM Docket No. 83-778, File No. BPCT-830217KJ), Eagle 22, Ltd., Fort Collins, Colorado (MM Docket No. 83-779, File No. BPCT-830218KL) and Fort Collins Minority Broadcasting Company, Fort Collins, Colorado (MM Docket No. 83-780, File No. BPCT-830218KM). For Construction Permit.

Adopted: July 20, 1983.

Released: August 9, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above mutually exclusive applications of Fort Collins Television, Inc.; Fort Collins Telecasters, A Partnership; Women's Broadcasting of Fort Collins; Eagle 22, Ltd.; and Fort Collins Minority Boradcasting Company for a new commercial television station to operate on Channel 22, Fort Collins, Colorado.

2. Section 73.1030(b) of the Commission's Rules states that applicants for a broadcast station authorization to operate in the vicinity of Boulder County, Colorado, are advised to give due consideration, prior to filing applications, to the need to protect the Table Mountain Radio Receiving Zone from harmful interference. Each of these applications is between 25 and 29 miles from the Table Mountain Radio Receiving Zone. While all applicants have been in contact with the Radio Frequency Management Office, as recommended in § 73.1030(b) of the Commission's Rules, only Fort Collins Television, Inc. has successfully completed coordination. However, even successful coordination does not guarantee that an unacceptable signal level will not occur at Table Mountain. No issues will be specified regarding the successful coordination of the other applicants, but, instead, any grant resulting from this proceeding will be conditioned on the station's actual signal level being less than the value specified in § 73.1030(b) of the rules.

3. The effective radiated visual power, antenna height above average terrain and other technical data submitted by the applicants indicates that there would be a significant difference in the size of the areas and population that the respective applicants propose to serve. Consequently, for the purpose of comparison, the areas and population which would be within the predicted 64 dBu (Grade B) contour, together with the availability of other television services of 64 dBu (Grade B) or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

4. No determination has been made that the tower heights and locations specified by Fort Collins Telecasters, and Eagle 22, Ltd. would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.[1]

5. Section 73.685(e) of the Commission's Rules states that stations operating on Channels 14–83 with transmitters delivering peak visual power output of more than 1 kilowatt may employ directive transmitting antennas with a maximum to minimum radiation in the horizontal plane of not more than 15 dB. Fort Collins Minority

[1] The Commission is not in receipt of FAA's determination for Eagle 22, Ltd.

Boradcasting Company proposes maximum to minimum ratio in excess of 15 dB. The minor deviation from the requirements of § 73.685(e) is a part of the applicant's method of providing protection to the Table Mountain Radio Receiving Zone. In view of this, the public interest will be served by a waiver of the rule, and no issue will be specified.

6. The applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Ft. Collins Telecasters and Eagle 22, Ltd., whether there is reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, that with respect to the application of Fort Collins Minority Broadcasting Company, § 73.685(e) of the Commission's Rules is waived.

9. It is further ordered, that in the event of a grant of any application, the construction permit shall contain the following condition:

At the time of equipment tests, permittee will contact the Radio Frequency Management Office of the National Oceanographic and Atmospheric Administration's Environmental Research Laboratories in Boulder, Colorado, at the address specified in § 73.1030(b) of the Commission's Rules. Permittee will cooperate with the Radio Frequency Management Office authorities in a measurement program to establish that the field strength of the signal at coordinates 40° 07' 50" N. Latitude, 105° 14' 40" W. Longitude, radiated by the permittee's authorized facilities, does not exceed 30 mV/m. In the event the measured value exceeds 30 mV/m, operation of the station (program tests) shall not be commenced. Instead, the permittee will submit an application for modification of its construction permit to reduce the field strength in the direction of the Table Mountain Radio Receiving Zone below the specified level. A license application will be granted only with the concurrence of the Radio Frequency Management Office as to the adequacy of the protection afforded to the Table Mountain Radio Receiving Zone.

10. It is further ordered, that, the Federal Aviation Administration is made a party respondent to this proceeding with respect to Issue 1.

11. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, that, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-23110 Filed 8-22-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-808 etc. and File No. BPCT-830128KF]

Local Majority Television, et al.; Hearing Designation Order

In the matter of applications of Local Majority Television, Tuscaloosa, Alabama, (MM Docket No. 83-808, File No. BPCT-830128KF), George E. Gunter, Tuscaloosa, Alabama, (MM Docket No. 83-809, File No. BPCT-830314KK) and Channel 17 of Tuscaloosa, Inc., Tuscaloosa, Albama, (MM Docket No. 83-810, File No. BPCT-830323KF) for construction permit.

Adopted: July 28, 1983.

Released: August 19, 1983.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Local Majority Television (Local Majority), George E. Gunter (Gunter) and Channel 17 of Tuscaloosa, Inc.[1] for authority to construct a new commercial television broadcast station on Channel 17, Tuscaloosa, Alabama.

2. The Commission is not in receipt of a determination from the Federal Aviation Administration that the tower height and location proposed by Gunter would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

3. In this response to Section V-C, Paragraph 5, FCC Form 301, Gunter states that the height of the antenna radiation center above mean sea level would be 655.2 feet, but the vertical tower sketch which he submitted as his Exhibit 3 shows the radiation center above mean sea level to be 598.5 feet. The applicant will be required to eliminate this discrepancy by appropriate amendment.

4. Section 73.682(a)(15) of the Commission's Rules states that the effective radiated power of the aural transmitter shall not be less than 10 percent nor more than 20 percent of the peak radiated power of the visual transmitter. Local Majority's aural power is only 1% of the visual. The applicant will be required to correct this situation by an appropriate amendment.

5. Section 73.636(a)(1) of the Commission's Rules state that no license for a television station shall be granted to any party if such party directly or indirectly owns, operates or controls one or more FM broadcast stations and the grant of such license will result in the Grade A contour of the proposed television station encompassing the entire community of license of the FM station. Note 8 to the rule provides, *inter alia*, that applications for UHF stations will be treated on a case-by-case basis in order to determine whether common ownership, operation or control of the station in question would be in the public interest. David R. Dubose, a 66.6% stockholder of Channel 17, is the news director of Station WUAL-FM, Tuscaloosa, Alabama. Additionally, David M. Baughn, a 9.3% stockholder of Channel 17 is the chief engineer of Station WUAL-FM. Richard G. Brennan, an 11.9% stockholder of Channel 17, is the news director of WBAM and WBAM-FM, Montgomery, Alabama. Montgomery would be within the Grade A contour of the proposed Channel 17

[1] On July 15, 1983, Channel 17 of Tuscaloosa, Inc. filed a Petition for Leave to Amend. The amendment revises Channel 17's programming to conform to § 0.283(a)(6) of the rules by reducing the amount of commercial matter proposed to be broadcast. The amendment will be accepted for 1.65 purposes only.

facility. Accordingly, an issue will be specified to determine whether Mr. Dubose's and Mr. Baughn's associations with WUAL–FM, Tuscaloosa, Alabama, and Mr. Brennan's association with WBAM and WBAM–FM, Montgomery, Alabama, respectively, and their interests in Channel 17's application is inconsistent with the rule; and if so, whether common ownership, operation and control of FM stations and the proposed television station would be consistent with the public interest.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Channel 17, whether the associations of David R. Dubose and David M. Baughn with WUAL–FM, Tuscaloosa, Alabama and Richard G. Brennan with WBAM and WBAM–FM, Montgomery, Alabama, and Channel 17's application is inconsistent with § 73.636(a)(1) of the Commission's Rules, and if so, whether common ownership, operation or control of WUAL–FM and WBAM/WBAM–FM, and the proposed television station would be in the public interest.

2. To determine with respect to George Gunter, whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, that the Federal Aviation Administration is made a party respondent to this proceeding with regard to issue 1.

9. It is further ordered, that George Gunter shall submit to the presiding Administrative Law Judge, within 20 days after the date of release of this Order, an appropriate engineering amendment to correct the height of the antenna radiation center above mean sea level.

10. It is further ordered, that Local Majority shall submit to the presiding Administrative Law Judge, within 20 days after the date of release of this Order, an appropriate engineering amendment to correct the aural effective radiated power.

11. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-23107 Filed 8-22-83; 8:45 am]

BILLING CODE 6712-01-M

M. F. Welch and Hispanic Broadcasting Co. Inc.; Applications for Consolidated Hearing

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. M. F. (Ken) Welch and Joan Welch	Kermit, Texas	BPH-820520AO	83-803
B. Hispanic Broadcasting Co., Inc	Kermit, Texas	BPH-820908AY	83-804

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 and Applicant(s)

1. Main Studio—A.
2. Air Hazard—All Applicants.
3. Comparative—All Applicants.
4. Ultimate—All Applicants.

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, N.W., Washington, D.C. 20554. Telephone (202) 632–6334.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-23106 Filed 8-22-83; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1417 [1]]

Petitions for Reconsideration of Actions in Rulemaking Proceedings; Correction

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

(**Note.**—This Notice was previously published in the **Federal Register** of August 9, 1983, 48 FR 36193.)

[1] Corrected to add Lauren A. Colby, Attorney for Richard Culpepper which was inadvertently omitted from Report No. 1417.

Subject: Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments. (BC Docket No. 80-90, RM's 2587, 3226 & 3367)

Filed by:

Lauren A. Colby, Attorney for Barry Chaiken on 6-16-83.

Thomas Schattenfield, David Tillotson & Susan A. Marshall, Attorneys for National Radio Broadcasters Association on 7-27-83.

[2] Arnold P. Lutzker & Jill S. Josephson, Attorneys for Cox Communications, Inc., (WSB-FM et al.), on 7-28-83.

James A. McKenna, Jr., Steven A. Lerman & Dennis P. Corbett, Attorneys for Infinity Broadcasting Corporation (and subsidiaries), Lake Huron Broadcasting Corporation (and subsidiaries), Park Broadcasting, Inc. (and subsidiaries), Shamrock Broadcasting Company, Inc. (and subsidiaries), Summit Radio Corporation, Tri-Cities Broadcasting Company, WAHR, Inc. & WKRG-TV, Inc. on 7-28-83.

Erwin G. Krasnow & Barry D. Umansky, Attorneys for National Association of Broadcasters on 7-28-83.

Lauren A. Colby, Attorney for Richard Culpepper on 6-3-83.[1]

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-23101 Filed 8-22-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1299]

Midland Pacific Shipping Co., Inc.; Order of Revocation

On August 11, 1983, Midland Pacific Shipping Company, Inc., One World Trade Center, New York, NY 10048 surrendered its Independent Ocean Freight Forwarder License No. 1299 for revocation in compliance with the settlement agreement approved by the Federal Maritime Commission in Docket No. 81-64.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 1299 issued to Midland Pacific Shipping Company, Inc., be revoked effective August 11, 1983.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Midland Pacific Shipping Company, Inc.

Robert M. Skall,

Deputy Director, Bureau of Certification and Licensing.

[FR Doc. 83-23052 Filed 8-22-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1471]

Sea-Air International Corp.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Sea-Air International Corp., P.O. Drawer 2377, 15401 W. Vantage Pkwy., Suite 104, Houston, TX 77032 was cancelled effective August 4, 1983.

By letter dated July 12, 1983, Sea-Air International Corp. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1471 would be automatically revoked unless a valid surety bond was filed with the Commission.

Sea-Air International Corp. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1471 be and is hereby revoked effective August 4, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 1471 issued to Sea-Air International Corp. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Sea-Air International Corp.

Robert M. Skall,

Deputy Director Bureau of Certification and Licensing.

[FR Doc. 83-23050 Filed 8-22-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2560]

Varela Corporation d.b.a. Pilot Ocean Freight Forwarders; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Varela Corporation d.b.a. Pilot Ocean Freight Forwarders, 1348 Rollins Road, Burlingame, CA 94010 was canceled effective August 11, 1983.

By letter dated July 14, 1983, Varela Corporation d.b.a. Pilot Ocean Freight Forwarders was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2560 would be automatically revoked unless a valid surety bond was filed with the Commission.

Varela Corporation d.b.a. Pilot Ocean Freight Forwarders has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2560 be and is hereby revoked effective August 11, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 2560 issued to Varela Corporation d.b.a. Pilot Ocean Freight Forwarders be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Varela Corporation d.b.a. Pilot Ocean Freight Forwarders.

Robert M. Skall,

Deputy Director, Bureau of Certification and Licensing.

[FR Doc. 83-23051 Filed 8-22-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder Lincense No. 1757]

Winston A. Hollard, D.B.A. Western Traffic Service; Order of Revocation

On August 1, 1983, Winston A. Hollard dba Western Traffic Service, P.O. Box 1169, 5807 ½ Wadsworth Blvd., Arvada, CO 80002 requested the Commission to revoke his Independent

[1] Inadvertently omitted from previous **Federal Register** publication.

Ocean Freight Forwarder License No. 1757.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(e) dated November 12, 1981;

It is Ordered, that Independent Ocean Freight Forwarder License No. 1757 issued to Winston A. Hollard dba Western Traffic Service, be revoked effective August 1, 1983 without prejudice reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1757 issued to Winston A. Holland dba Western Traffic Service be returned to the Commission for Cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Winston A. Hollard dba Western Traffic Service.

Robert M. Skall,

Deputy Director, Bureau of Certification and Licensing.

[FR Doc. 83-23053 Filed 8-22-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Applications for Formation of Bank Holding Companies; Federal Reserve Bank of Chicago et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Latham Bancorp*, Latham, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of State Bank of Latham, Latham, Illinois. Comments on this application must be received not later than September 16, 1983.

2. *River Valley Bancorporation, Inc.*, Rothschild, Wisconsin; to become a bank holding company by acquiring 80 percent or more of the voting shares of River Valley State Bank, Rothschild, Wisconsin. Comments on this application must be received not later than September 16, 1983.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Underwood Bancshares, Inc.*, Underwood, Minnesota; to become a bank holding company by acquiring 95.6 percent of the voting shares of Farmers State Bank of Underwood, Underwood, Minnesota. Comments on this application must be received not later than September 16, 1983.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Brewster Bankshares, Inc.*, Brewster, Kansas; to become a bank holding company by acquiring 80 percent of the voting shares of Brewster National Bank, Brewster, Kansas. Comments on this application must be received not later than September 16, 1983.

D. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Cobanco, Inc.*, Santa Cruz, California; to become a bank holding company by acquiring 100 percent of the voting shares of County Bank and Trust, Santa Cruz, California. This application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank of San Francisco. Comments on this application must be received not later than September 16, 1983.

2. *Frandsen Bancshares, Inc.*, Luck, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of Fidelity State Bank. This application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank of Minneapolis. Comments on this application must be received not later than September 16, 1983.

Board of Governors of the Federal Reserve System, August 17, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-23033 Filed 8-22-83; 8:45 am]

BILLING CODE 6210-01-M

Applications for Acquisition of Bank Shares by Bank Holding Companies; Federal Reserve Bank of Kansas City, et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Guthrie Bancshares, Inc.*, Guthrie, Oklahoma; to acquire 9.9 percent of the voting shares or assets of The Liberty State Bank of Tahlequah, Tahlequah, Oklahoma. Comments on this application must be received not later than September 16, 1983.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Landmark Financial Group, Inc.*, Fort Worth, Texas; to acquire 100 percent of the voting shares or assets of Arlington Heights Bank of Fort Worth, Fort Worth, Texas. Comments on this application must be received not later than September 16, 1983.

Board of Governors of the Federal Reserve System, August 17, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-23032 Filed 8-22-83; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Performance Review Board; Membership List

AGENCY: Office of Organization and Personnel, GSA.

ACTION: Notice of Membership.

SUMMARY: Notice is hereby given of the names of the members of the GSA Performance Review Board.

EFFECTIVE DATE: August 23, 1983.

FOR FURTHER INFORMATION CONTACT: Gregory L. Knott, Director, Executive Resources Division, General Services Administration, Office of Organization and Personnel, 18th & F Streets NW., Washington, D.C. 20405 (202) 566–1207.

SUPPLEMENTARY INFORMATION: Sec. 4314(c) (1) through (5) of Title 5, U.S.C. requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards and to publish these names in the **Federal Register.** The board shall review the performance rating of each senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive. The members of the Performance Review Board are:

1. Carroll Jones, Commissioner, Federal Property Resources Service.
2. Roger Daniero, Deputy Assistant Administrator for Federal Supply and Services.
3. Charles S. Davis III, Associate Administrator for Operations.
4. Richard Jeanneret, Director of Management, Office of Federal Supply and Services.
5. Ira Jekowsky, Deputy Commissioner for Policy and Program Support, Public Buildings Service.
6. Saul Katz, Special Counsel to the Administrator for Ethics.
7. Patricia Q. Schoeni, Associate Administrator for Administration.

Dated: August 16, 1983.

Patricia Q. Schoeni,

Acting Administrator of General Services.

[FR Doc. 83-23137 Filed 8-22-83; 8:45 am]

BILLING CODE 6820-30-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, Office of the General Counsel (HHS/OS/OGC), HHS.

ACTION: Notification of a new system of records.

SUMMARY: The Office of the General Counsel (OGC) proposes to publish the accompanying notice of a new system of records, entitled "Automated Litigation Tracking System", Number 09–90–9999.

This new system represents the automation of a subset of information currently maintained in the systems, "Litigation Files, Administrative Complaints, and Adverse Personnel Actions", Number 09–90–0064 and "Administrative Claims", Number 09–90–0062. The new system will significantly improve the accessability of the information it will contain and thus its purpose will be different from the larger "Litigation Files * * *" system. For these reasons OGC believes it is appropriate to identify this automation as a new system of records.

OGC has found it necessary to automate a portion of its litigation files because of growing work load. The automation is primarily intended: to enable management to better balance staff work load, to enable the staff to be more readily informed of the cases being litigated, and to enable the staff to provide more timely answers to questions about the cases (see the sections on Purposes and Routine Uses in the accompanying notice for more detailed information).

OGC intends for publication of the accompanying notice to provide the opportunity for those who have comments and views to submit them before the system becomes operational. OGC welcomes comments on the proposed routine uses. Comments should be made before September 22, 1983.

DATES: The system is currently planned to become operational by October 15, 1983. The system report was sent to Congress and OMB on August 12, 1983. Unless OGC receives comments on the proposed routine uses that lead to a contrary determination, those uses will take effect when the system takes effect, but not before September 22, 1983.

ADDRESS: Comments should be addressed to the Automation Project Coordinator at the address listed below. Comments received will be available for inspection during office hours in Room 706–E, at that address.

FOR FURTHER INFORMATION CONTACT:

Timothy Brown, Automation Project Coordinator, Office of the General Counsel, Building HHH, Room 706–E, 200 Independence Avenue SW., Washington, D.C. 20201
or call (202) 245–7545 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Major routine uses are the same as the predecessor systems noted in the summary. In balancing privacy with the system's goals, the goal of enhanced accessibility of information was sacrificed somewhat by focusing the automated system on a court and docket number combination as the primary method for identifying records and by restricting the use of the SSN. Continuing to operate OGC without this automation was considered, but given the recent increases in the volume of litigation, OGC feels that the no-automation option would lead to undue delays in the litigation of complaints against the Department and would therefore be counter to the interests of the public.

Dated: August 12, 1983.

Juan A. del Real,

General Counsel.

09–90–9999

SYSTEM NAME:

Automated Litigation Tracking System, HHS/OS/OGC.

SYSTEM CLASSIFICATION:

None.

LOCATION:

The database and software for this computerized system will be located at the Parklawn Computer Center (part of the Public Health Service) located at 5600 Fishers Lane, Rockville, Maryland 20857.

Each OGC location identified in the Appendix on the Administrative Claims System (09–90–0062) **Federal Register,** Wednesday, October 13, 1982 (47 FR 45540–45542) will have access to the database and software via one or more CRT terminals.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals on whom records are maintained in this system are: (1) Individuals who are involved in litigation with the Department or the United States (regarding matters within the jurisdiction of the Department) either as plaintiffs or as defendants in both civil and criminal matters, (2) individuals who either file administrative compliants with the Department or are the subjects of administrative complaints initiated by the Department, including claims which are the subjects of records maintained in the Administrative Claims System, 09–90–0062, (3) individuals who are named parties in cases in which the Department believes it will or may become involved, and (4) OGC attorneys to whom cases are assigned.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain information to identify: (1) The cases and legal actions that the Department either is involved in or in which it believes it will or may become involved, (2) the people

involved in each case, (3) where within the government the case has been assigned, (4) what the status of the case is, including the key events that may have occurred, and (5) the legal and programmatic issues of the case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The authority for maintaining this system are the various statutes, regulations, rules or orders pertaining to the subject matter of the litigation, administrative complaint or adverse personnel action, (e.g., Public Health Service Act; Social Security Act; Civil Rights Act; Federal Food, Drug and Cosmetic Act; Federal Tort Claims Act, 28 U.S.C. 2671–2680, 1346(b); Waiver of Overpayment of Pay Act, 5 U.S.C. 5584; Military Personnel and Civilian Employees Claims Act, 31 U.S.C. 240–243; Federal Claims Collection Act, 31 U.S.C. 951–953; and Federal Medical Care Recovery Act, 42 U.S.C. 2651–2653).

PURPOSE(S):

To enable the Office of the General Counsel to: (1) More efficiently and effectively use its resources in court and administrative proceedings, (2) provide a research tool that will permit attorneys to identify when and where similar litigation has occured, and (3) enable management to better balance the attorney workload.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used in communicating with, among others, Federal, State, and local law enforcement agencies, private individuals, private and public hospitals, allegedly negligent parties, private attorneys, insurance companies, the United States Attorney and other Federal officials and agencies, individual law enforcement officers, and tribal officials. These communications are all for the purpose of investigating, settling, or denying claims and subsequent litigation action.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense provided such disclosure is compatible with the purpose for which the records were collected.

In the event that a system of records maintained by this agency to carry outs its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system or records may referred, as a routing use to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

In the event the Department deems it desirable or necessary, in determining whether particular records are required to be disclosed under the freedom of Information Act, disclosure may be made to the Department of Justice for the purpose of obtaining its advice.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant to an agency decision concerning the hiring or retention of an employee, the issurance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

A record from this system of records may be disclosed to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual.

A record from this system of records may be disclosed to any Federal, state or local agency where the Department deems that the information is needed for any aspect of administering a Federal, state, or local program.

Records from this system may be disclosed to a private firm under contract to the Department for the purpose of having that firm convert the records to machine readable form, or collate, analyze, aggregate or otherwise refine the information in the records. The contractor will be required to maintain Privacy Act safeguards with respect to such records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORD IN THE SYSTEM:

STORAGE:

Information will be stored on a variety of computer-readable, electronic media, including disc, mass storage, and magnetic tape.

RETRIEVABILITY:

The records in this system will be indexed by the court's docket number for the litigation and will be retrievable by any information contained in the record, including by: The name of either party, the Social Security Number (only for records on cases involving claims against one or more programs administered by the Social Security Administration or the Health Care Financing Administration), the name of the attorney assigned the case, and the legal or programmatic issues involved.

Only OGC staff will be permitted to retrieve information from this system.

SAFEGUARDS:

The buildings where these records are stored on electronic media are safeguarded by a variety of physical security systems which permit access only by authorized computer center personnel and authorized visitors escorted by computer center staff.

The computer terminals used to access the records are kept in rooms which are locked at the close of the business day and are generally accessible only to General Counsel personnel.

Electronically, the records are protected from unauthorized access by several password oriented systems which produce an audit trail of all attempts (successful and unsuccessful) to access the records. In general, this system complies with all security guidelines published by the Department (Part 6, ADP Systems Manual), which embodies the guidance presented by the National Bureau of Standards in the

Federal Information Processing Standards.

RETENTION AND DISPOSAL:

Records are maintained until the litigation or other judicial proceedings have ended and for varying periods of time thereafter, subject to the Federal Records Act and applicable retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

The agency official responsible for the system policies and practices outlined above is: The General Counsel, Department of Health and Human Services, Office of the General Counsel, Hubert H. Humphrey Building, Room 722A, 200 Independence Avenue, SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

Any inquiries regarding these systems of records should be addressed to the System Manager. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. *Access will not be provided to materials compiled by the Department for litigation purposes, such as information about briefs and recommendations to appeal or not to appeal, except when such access is granted by the court as a result of discovery or due process.*

CONTESTING RECORD PROCUEDURES:

Contact the official designated in the section, "System Manager(s) and address", above; reasonably identify the record and specify the information that is to be contested; and state the corrective action sought and your reasons for requesting the correction, with supporting evidence to show why the record is *not* accurate, timely, complete, relevant or necessary.

RECORD SOURCE CATEGORIES:

The information for this system is obtained through a number of sources including the exchange of legal pleadings, documents, formal and informal discovery, program offices and component agencies, private attorneys, State and local governments, their agencies and instrumentalities, and officers of other Federal agencies and the individuals involved.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-22699 Filed 8-22-83; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings: Nashville District Office, chaired by Robert C. Fish, Acting District Director. Topic to be discussed: Direct-to-Consumer Advertising of Prescription Drugs.

DATE: Wednesday, August 31, 1983, 2 p.m. to 4 p.m.

ADDRESS: Lecture Hall No. 1, Kresge Learning Resources Center, Meharry Medical College, 1005 D.B. Todd Blvd., Nashville, TN 37208.

FOR FURTHER INFORMATION CONTACT: Jessica A. Parchman, Consumer Affairs Officer, Food and Drug Administration, 297 Plus Park Blvd., Nashville, TN 37217, 615–251–7127.

Atlanta District Office, chaired by John H. Turner, District Director. Topics to be discussed: FDA's Consumer Interaction/Atlanta District's Activities; Weight Control OTC Drugs; Sodium Labeling; and Updates on All Current Issues.

DATE: Thursday, September 1, 1983, 2 p.m.

ADDRESS: Forsyth County Courthouse, Jury Assembly Rm., Second Floor, Cumming, GA 30130.

FOR FURTHER INFORMATION CONTACT: Ana M. Rivera, Consumer Affairs Officer, Food and Drug Administration, 1182 West Peachtree St., NW., Atlanta, GA 30309, 404–881–7355.

San Francisco District Office, chaired by William C. Hill, District Director. Topics to be discussed: Direct-to-Consumer Advertising of Prescription Drugs; Contraceptive Sponge; Patient Education Alternatives for Prescription Drugs; and Aspartame.

DATE: Wednesday, September 14, 1983, 1 p.m. to 4 p.m.

ADDRESS: Clemens Room, Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89107.

For Further Information Contact: Lula Holland, Consumer Affairs Officer, Food and Drug Administration, 50 United Nations Plaza, Rm. 524, San Francisco, CA 94102, 415–556–2682.

New Orleans District Office, chaired by Rober O. Bartz, District Director. Topic to be discussed: Direct-to-Consumer Advertising of Prescription Drugs.

Date: Thursday, September 15, 1983, 1:30 p.m.

Address: Food and Drug Administration, 4298 Elysian Fields Ave., New Orleans, LA 70122.

For Further Information Contact: Frances G. Brysson, Consumer Affairs Officer, Food and Drug Administration, 4298 Elysian Fields Ave., New Orleans, LA 70122, 504–589–2420

Kansas City District Office, chaired by James A. Adamson, District Director. Topic to be discussed: Direct-to-Consumer Advertising of Prescription Drugs.

Date: Monday, September 19, 1983, 9 a.m. to 12 m.

Address: Food and Drug Administration, 1009 Cherry St., Kansas City, MO 64106.

For Further Information Contact: Julia S. Hewgley, Consumer Affairs Officer, Food and Drug Administration, 1009 Cherry St., Kansas City, MO 64106, 816–374–3817.

New Orleans District Office, chaired by Robert O. Bartz, District Director. Topic to be discussed: Direct-to-Consumer Advertising of Prescription Drugs.

Date: Wednesday, September 28, 1983, 1:30 p.m.

Address: Arkansas State Department of Health, 4815 West Markham St., Little Rock, AK 72201.

For Further Information Contact: Frances G. Brysson, Consumer Affairs Officer, Food and Drug Administration, 4298 Elysian Fields Ave., New Orleans, LA 70122, 504–589–2420.

Supplementary Information: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: August 18, 1983.

William R. Clark,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-23193 Filed 8-19-83; 12:04 pm]

BILLING CODE 4160-01-M

National Institutes of Health

Board of Scientific Counselors, Division of Cancer Treatment; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Treatment, National Cancer Institute, September 29–30, 1983, Building 31, 6th Floor, C Wing, Conference Room 10, National Institutes of Health, Bethesda, Maryland 20205. The meeting will be open to the public on September 29, from 8:30 a.m. to approximately 5:00 p.m., and on September 30, from 8:30 a.m. to adjournment, to review program plans, contract recompetitions and budget for the DCT program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on September 29, from approximately 5:00 p.m. to recess, for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A–06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Bruce A. Chabner, Director, Division of Cancer Treatment, National Cancer Institute, Building 31, Room 3A–52, National Institutes of Health, Bethesda, Maryland 20205 (301/496–4291) will furnish substantive program information.

Dated: August 5, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83-23041 Filed 8-22-83; 8:45 am]

BILLING CODE 4140-01-M

Drugs and Insomnia: The Use of Medications to Promote Sleep; Conference

Notice is hereby given of a Consensus Development Conference on "Drugs and Insomnia: The Use of Medications to Promote Sleep," sponsored by the National Institute of Mental Health and the NIH Office of Medical Applications of Research. The conference will be held November 15–17, 1983, in the Masur Auditorium of the Warren G. Magnuson Clinical Center (Building 10) at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. The purpose of the conference is to provide guidance to practitioners.

Use of a hypnotic or other medication to promote sleep is a decision that a physician must frequently make. However, the advent of several new or soon-to-be available benezodiazepine hyponotics and the accumulation of new pharmacologic data has made decisionmaking much more complex.

Since insominia appears in different diagnostic contexts and occurs under a variety of circumstances, it is often difficult for the practitioner to decide whether a sleep-promoting medication is indicated. The task is further complicated by the fact that psychiatric morbidity is present in about half of the adults who experience moderate to severe problems with insomnia in a typical year.

As an aid to clinicians, the participants in this Consensus Conference, in open forum, will address the questions of whether, when and how to use hypnotics and other sleep-promoting medications. The assemblage of practicing physicians, biomedical investigators, industry representatives, consumers, and others will also work to develop principles that could facilitate rational choice among available pharmacologic options.

Following two days of presentations by experts and discussion by the audience, a Consensus Panel will consider the scientific evidence. Panel members will include generalists and specialists from the medical professions and related scientific disciplines, as well as lay persons. Both research and clinical practice will be represented. After deliberation, the Panel will formulate a draft statement responding to the following key questions: Under what circumstances might a sleep-promoting medication be considered? What are the pharmacologic factors to be considered in the selection of sleep-promoting medications? What are the appropriate treatment strategies to be employed in using sleep-promoting medications on a short-term or long-term basis? What are the principal cautions and risks associated with prescribing these drugs? What research areas need further development?

On the third day, Consensus Panel Chairman Dr. Daniel X. Freedman, professor and chairman of the Department of Psychiatry, University of Chicago, will read the draft Consensus Statement before the conference audience and invite comments and questions.

Information on the program may be obtained from Ms. Michele Dillon, Prospect Associates, Suite 401, 2115 East Jefferson Street, Rockville, Maryland 20852, (301) 468–6555

Dated: August 16, 1983.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 83-23045 Filed 8-22-83; 8:45 am]

BILLING CODE 4140-01-M

Dental Sealants in the Prevention of Tooth Decay; Conference

Notice is hereby given of the NIH Consensus Development Conference on "Dental Sealants in the Prevention of Tooth Decay," sponsored by the National Institute of Dental Research and the NIH Office of Medical Applications of Research. The conference will be held December 5–7, 1983, in the Ambulatory Care Research Facility Amphitheater, Warren G. Magnuson Clinical Center (Building 10) at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The chewing surfaces of children's teeth are the surfaces which are most susceptible to decay and least benefited by fluorides. In recent years a technique has been developed in which plastic films are applied to these chewing surfaces to seal the pits and grooves where food and bacteria can be trapped. The purpose of this conference is to evaluate the effectiveness, safety, and implementation of the sealant procedure.

Scientific evidence concerning the following questions will be considered: With the current widespread use of fluorides and the generalized decrease in caries experience among children, is there a need for sealants? How effective are sealants? Are there risks associated with the use of sealants? What are the clinical procedures involved in successful sealant application, and what training and education are required? What factors have influenced and should influence the adoption and utilization of sealants for caries prevention? What is the current status of sealant research and what should be the research priorities for sealants and their implementation?

The Consensus Development Conference will bring together biomedical investigators, practicing dentists and physicians, academicians, dental hygienists, dental assistants and representatives of public interest groups. Following one and one-half days of

presentations by experts in the field and discussion by the audience, the Consensus Panel, drawn from the dental community and interested professional and lay groups, will draft a statement responding to the key questions discussed. Panel Chairman Dr. James W. Bawden will read the Consensus Statement before the conference audience and invite comments.

Information on the program may be obtained by contacting Mr. Peter Murphy, Prospect Associates, 2115 East Jefferson Street, Suite 401, Rockville, Maryland 20852 (301) 468–6555.

Dated: August 12, 1983.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 83–23042 Filed 8–22–83; 8:45 am]

BILLING CODE 4140–01–M

National High Blood Pressure Coordinating Committee; Meeting

Notice is hereby given of the meeting of the National High Blood Pressure Education Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute, on September 30, 1983, from 9:00 a.m. to 3:00 p.m., at the Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814.

The entire meeting will be open to the public. The coordinating committee is meeting to define the priorities, activities, and needs of the participating groups in the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

For detailed program information, agenda, list of participants and meeting summary contact: Dr. Edward J. Roccella, Acting Chief, Health Education Branch, Office of Prevention, Education and Control, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, Room 4A24, Bethesda, Maryland 20205.

Dated: August 15, 1983.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 83–23043 Filed 8–22–83; 8:45 am]

BILLING CODE 4140–01–M

Postmenopausal Replacement Estrogen; Workshop

A workshop on Postmenopausal Replacement Estrogen will be held by the National Heart, Lung, and Blood Institute on September 13 and 14, 1983 at the Thomas Circle Holiday Inn, Washington, D.C. The workshop will focus on cardiovascular disease aspects of replacement estrogen therapy. The workshop is open to the public. Attendance will be limited on a space available basis. Interested persons should contact Dr. Ron Goor, NHLBI, (301) 496–1681.

Dated: August 16, 1983.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 83–23044 Filed 8–22–83; 8:45 am]

BILLING CODE 4140–01–M

Filing of Annual Reports

Pursuant to Sections 10(d) and 13 of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the annual reports for the committees listed below have been filed with the Library of Congress. Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or on weekdays, at the Department Library, North Building, Room 1436, Washington, D.C. 20201, between 9:00 a.m. and 4:30 p.m.

Advisory Committee to the Director, NIH
Aging Review Committee
Allergy, Immunology, and Transplantation Research Committee
Allergy and Immunology Study Section
Animal Resources Review Committee
Arthritis, Metabolism, and Digestive Diseases Special Projects Review Committee
Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee
Bacteriology and Mycology Study Section
Behavioral and Neurosciences Study Section
Behavioral Medicine Study Section
Biochemical Endocrinology Study Section
Biochemistry Study Section
Biomedical Library Review Committee
Biomedical Sciences Study Section
Biometry and Epidemiology Contract Review Committee
Bio-Organic and Natural Products Chemistry Study Section
Biophysical Chemistry Study Section
Biopsychology Study Section
Biotechnology Resources Review Committee
Bladder and Prostatic Cancer Review Committee
Blood Diseases and Resources Advisory Committee
Board of Regents of the National Library of Medicine
Board of Scientific Counselors, Division of Cancer Biology and Diagnosis
Board of Scientific Counselors, Division of Cancer Cause and Prevention
Board of Scientific Counselors, Division of Resources, Centers and Community Activities
Board of Scientific Counselors, National Eye Institute
Board of Scientific Counselors, National Heart, Lung, and Blood Institute
Board of Scientific Counselors, National Institute on Aging
Board of Scientific Counselors, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases
Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases
Board of Scientific Counselors, National Institute of Child Health and Human Development
Board of Scientific Counselors, National Institute of Dental Research
Board of Scientific Counselors, National Institute of Environmental Health Sciences
Board of Scientific Counselors, National Institute of Neurological and Communicative Disorders and Stroke
Board of Scientific Counselors, National Library of Medicine
Breast Cancer Task Force Committee
Cancer Center Support Review Committee
Cancer Clinical Investigation Review Committee
Cancer Control Grant Review Committee
Cancer Control Intervention Programs Review Committee
Cancer Regional Studies Review Committee
Cancer Resources and Repositories Contracts Review Committee
Cancer Research Manpower Review Committee
Cancer Preclinical Program Project Review Committee
Cancer Therapeutics Program Project Review Committee
Cardiology Advisory Committee
Cardiovascular and Pulmonary Study Section
Cardiovascular and Renal Study Section
Cell Biology Study Section
Cellular and Molecular Basis of Diisease Review Committee
Chemical Pathology Study Section
Clinical Applications and Prevention Advisory Committee
Clinical Cancer Program Project Review Committee
Clinical Sciences Study Section
Clinical Trials Committee
Clinical Trials Review Committee
Communicative Disorders Review Committee
Developmental Therapeutics Contracts Review Committee, NCI
Diagnostic Radiology Study Section
Endocrinology Study Section
Environmental Health Sciences Review Committee
Epidemiology and Disease Control Study Section
Epilepsy Advisory Committee
Experimental Cardiovascular Sciences Study Section
Experimental Immunology Study Section
Experimental Therapeutics Study Section
Experimental Virology Study Section
Frederick Cancer Research Facility Advisory Committee
General Clinical Research Centers Committee
General Medicine A Study Section
General Medicine B Study Section
General Research Support Review Committee
Genetic Basis of Disease Review Committee
Genetics Study Section
Hearing Research Study Section
Heart, Lung, and Blood Research Review Committee A
Heart, Lung, and Blood Research Review Committee B
Hematology Study Section

Human Development and Aging Study Section
Human Embryology and Development Study Section
Immunobiology Study Section
Immunological Sciences Study Section
Large Bowel and Pancreatic Cancer Review Committee
Mammalian Genetics Study Section
Maternal and Child Health Research Committee
Medicinal Chemistry Study Section
Mental Retardation Research Committee
Metabolism Study Section
Metallobiochemistry Study Section
Microbial Physiology and Genetics Study Section
Microbiology and Infectious Diseases Advisory Committee
Minority Access to Research Careers (MARC) Review Committee
Molecular and Cellular Biophysics Study Section
Molecular Biology Study Section
Molecular Cytology Study Section
National Advisory Allergy and Infectious Diseases Council
National Advisory Child Health and Human Development Council
National Advisory Council on Aging
National Advisory Dental Research Council
National Advisory Environmental Health Sciences Council
National Advisory Eye Council
National Advisory General Medical Sciences Council
National Advisory Neurological and Communicative Disorders and Stroke Council
National Advisory Research Resources Council
National Arthritis Advisory Board
National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council
National Cancer Advisory Board
National Diabetes Advisory Board
National Digestive Diseases Advisory Board
National Heart, Lung and Blood Advisory Council
National Institute of Dental Research Programs Advisory Committee
National Institute of Dental Research Special Grants Review Committee
Neurological Disorders Program-Project Review A Committee
Neurological Disorders Program-Project Review B Committee
Neurological Sciences Study Section
Neurology A Study Section
Neurology B Study Section
Nutrition Study Section
Oral Biology and Medicine Study Section
Orthopedics and Musculoskeletal Study Section
Pathobiochemistry Study Section
Pathology A Study Section
Pathology B Study Section
Pharmacological Sciences Review Committee
Pharmacology Study Section
Physical Biochemistry Study Section
Psysiological Chemistry Study Section
Physiology Study Section
Population Research Committee
Professional Oncology Education Review Committee
President's Cancer Panel
Pulmonary Diseases Advisory Committee
Radiation Study Section
Recombinant DNA Advisory Committee
Reproductive Biology Study Section
Research Manpower Review Committee
Respiratory and Applied Physiology Study Section
Scientific Programs Advisory Committee, NINCDS
Sensory Disorders and Language Study Section
Sickle Cell Disease Advisory Committee
Social Sciences and Population Study Section
Surgery and Bioengineering Study Section
Surgery, Anesthesiology and Trauma Study Section
Toxicology Study Section
Tropical Medicine and Parasitology Study Section
Virology Study Section
Vision Research Program Committee
Visual Sciences A Study Section
Visual Sciences B Study Section

Dated: August 16, 1983.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 83-23046 Filed 8-22-83; 8:45 am]

BILLING CODE 4140-01-M

Meeting of National Advisory Allergy and Infectious Diseases Council, Allergy and Immunology Subcommittee, Microbiology and Infectious Diseases Subcommittee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, and its subcommittees on September 22-23, 1983, at the National Institutes of Health, Building 31C, Conference Room 10, Bethesda, Maryland 20205.

The meeting will be open to the public on September 22 from approximately 9:00 a.m. to 9:30 a.m. for opening remarks of the Institute Director and again from 1:30 p.m. to approximately 5:00 p.m. for discussion of procedural matters, Council business, and a report from the Institute Director which will include a discussion of budgetary matters. The primary program discussions will be on Sexually Transmitted Diseases. On September 23 the meeting will be open to the public from approximately 9:00 a.m. to 9:30 a.m. for the report of the director of the Immunology, Allergic and Immunologic Diseases Program. Attendance by the public at all open sessions will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463, the meeting of the NAAIDC Allergy and Immunology Subcommittee and of the NAAIDC Microbology and Infectious Diseases Subcommittee will be closed to the public for approximately three hours for the review, evaluation, and discussion of individual grant applications. It is anticipated that this will occur from 9:30 a.m. until approximately 12:30 p.m. on September 22, 1983. The meeting of the full Council will be closed from approximately 10:00 a.m. until adjournment on September 23 for the review, evaluation, and discussion of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Nancy Brun, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will proved summaries of the meetings and rosters of the Council members as requested.

Dr. John W. Diggs, Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone (301) 496-7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

Dated: August 10, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-23040 Filed 8-22-83; 8:45 am]

BILLING CODE 4140-01-M

National Advisory General Medical Sciences Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, National Institutes of Health, on October 6 and 7, 1983, Building 31, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on October 6, 1983, from 8:30 a.m. to 12 noon for opening remarks; report of the Director, NIGMS; and other business of the Council. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and

552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on October 6 from approximately 1:00 p.m. to 5:00 p.m., and on October 7, 1983, from 8:30 a.m. until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Ann Dieffenbach, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Building 31, Room 4A52, Bethesda, Maryland 20205, Telephone: 301, 496–7301 will provide a summary of the meeting and a roster of council members. Dr. Ruth L. Kirschstein, Executive Secretary, NAGMS Council, National Institutes of Health, Westwood Building, Room 926, Bethesda, Maryland 20205, Telephone: 301, 496–7891 will provide substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13–821, Physiology and Biomedical Engineering; 13–859, Pharmacology-Toxicology Research; 13–862, Genetics Research; 13–863, Cellular and Molecular Basis of Disease Research; and 13–880, Minority Access to Research Careers [MARC])

Dated: August 10, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83–23039 Filed 8–22–83; 8:45 am]

BILLING CODE 4140–01–M

Ad Hoc Working Group To Develop Radioepidemiological Tables

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the National Institutes of Health announces the establishment by the Secretary, Department of Health and Human Services, of an Ad Hoc Working Group to Develop Radioepidemiological Tables.

Section 7(b) of Pub. L. 97–414 directs the Secretary, HHS, to devise and publish radioepidemiological tables that estimate the likelihood that persons with any radiation-related cancer who received specific radiation doses before the onset of the cancer developed the disease as a result of such exposure.

In carrying out this mandate, the Secretary has established the Ad Hoc Working Group to Develop Radioepidemiological Tables comprised of scientific experts whose qualifications will insure a thorough, competent, and timely completion of the task.

Authority for this committee shall terminate on May 15, 1984, unless the Secretary, HHS, formally determines that continuance is in the public interest.

Dated: August 19, 1983.

Thomas E. Malone,

Acting Director, National Institutes of Health.

FR Doc. 83–23208 Filed 8–22–83; 12:06 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 6230]

California; Proposed Withdrawal and Opportunity for Public Hearing

August 15, 1983.

On May 3, 1982, a petition was approved and it was published in the **Federal Register** of May 7, 1982, FR Doc. 82–12493, page 19799, allowing the Bureau of Reclamation, U.S. Department of the Interior, to file an application to withdraw lands within the Los Padres National Forest from the mining laws. The Los Padres National Forest lands are described in an emergency withdrawal published in the **Federal Register** of May 16, 1979, FR Doc. 79–15265, pages 28666 and 28667.

The withdrawal will be used for the protection of the Casitas Reservoir watershed in the Los Padres National Forest. The Casitas Reservoir is the prime source of municipal water for the cities of Ventura and Ojai.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. Upon determination by the State Director, Bureau of Land Management, that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in Title 43 CFR Part 2300.

All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, California S. State Office, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Eleanor Wilkinson,

Chief, Lands and Locatable Minerals Section, Branch of Lands and Minerals Operations.

[FR Doc. 83–23095 Filed 8–22–83; 8:45 am]

BILLING CODE 4310–84–M

California; Notice of Proposed Withdrawal

On August 17, 1983, a petition was approved allowing the Bureau of Land Managment to file a withdrawal application for the following described lands within the Ukiah District, Redding Resource area. The application will withdraw the lands from the mining laws subject to valid existing rights.

Mount Diablo Meridian

T. 30 N., R. 1 W.,
  Sec. 2., Lot 10;
  Sec. 4, Lots 1 thru 4;
  Sec. 26, SE¼SE¼
T. 34 N., R. 1 W.,
  Sec. 21, SE¼NW¼.
T. 31 N., R. 2 W.,
  Sec. 8, NW¼NE¼;
  Sec. 22, E½NW¼, SE¼SW¼.
T. 33 N., R. 2 W.,
  Sec. 11, Lots 3, 8, 9 and 10.
T. 30 N., R. 3 W.,
  Sec. 5, E½ of Lot 2 in the NE¼NE¼;
  Sec. 9, SE¼NW¼.
T. 30 N., R. 5 W.,
  Sec. 6, Lots 1 thru 4.
T. 31 N., R. 5 W.,
  Sec. 10, SW¼;
  Sec. 14, Lots 4, 5 and 6.
T. 32 N., R. 5 W.,
  Sec. 3, Lots 15 and 16;
  Sec. 11, S½NE¼SW¼NE¼SW¼, N½SW¼SW¼NE¼SW¼, S½NW¼SW¼NE¼ SW¼, N½SE¼SW¼NE¼SW¼;
  Sec. 12, NE¼SW¼;
  Sec. 14, Lots 2, 8, 12, 13, 18, 22 and 26, N½NE¼SW¼NW¼SW¼, W½SW¼NW¼SW¼, W½NW¼NW¼SW½SW¼, W½NE¼NE¼SE¼;
  Sec. 15, Lots 3, 4 and 5;
  Sec. 20, Lots 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, and 24;
  Sec. 22, W½SE¼SE¼NE¼;
  Sec. 31, Lots 24, 25, 26 and 28.
T. 31 N., R. 6 W.,
  Sec. 7, Lot 16;
  Sec. 29, S½S½NE¼NW¼.
T. 33 N., R. 6 W.,
  Sec. 7, Lots 4, 6, 7 and 8.
T. 31 N., R. 7 W.,
  Sec. 10, NW¼SW¼;
  Sec. 20, SE¼SE¼.

T. 33 N., R. 7 W.,
Sec. 22, Lot 17.
T. 31 N., R. 8 W.,
Sec. 12, NE¼NE¼.
T. 32 N., R. 8 W.,
Sec. 12, SE¼SE¼.
T. 31 N., R. 1 E.,
Sec. 8, S½S½.
T. 30 N., R. 2 E.,
Sec. 18, Lot 1.

The area aggregates 1,397.63 acres in Shasta County, California.

The withdrawal will segregate the subject lands from appropriation under the mining laws but not the mineral leasing laws. The segregation will terminate upon the issuance of a patent or two years from the date of this notice, whichever occurs first. It may further be terminated upon publication of a notice of termination by the authorized officer.

For a period of two years from the date of publication of this notice in the **Federal Register**, the lands will be segregated from location and entry under the mining laws as specified above unless the application is denied or canceled, or the withdrawal is approved prior to that date.

The temporary segregation of the lands in connection with a withdrawal application or proposal shall not affect administrative jurisdiction over the lands, and the segregation shall not have the effect of authorizing any use of the lands by the Bureau of Land Management.

All communications in connection with this proposed withdrawal should be addressed to the Bureau of Land management, Federal Office building, 2800 Cottage Way, Sacramento, California 95825.

Ed Hastey,

State Director.

August 17, 1983.

[FR Doc. 83-23075 Filed 8-22-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-20200A]

Idaho; Conveyance of Public Lands, Blaine County

August 15, 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 Alexander MacDonald, Bellevue, Idaho, for the following-described public land:

Boise Meridian, Idaho

T. 1 S., R. 18 E.,
Sec. 31, lot 15.
Containing 0.40 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

Louis B. Bellesi,

Deputy State Director for Operations.

[FR Doc. 83-23081 Filed 8-22-83; 8:45 am]

BILLING CODE 4310-84-M

[M 44653]

Montana; Notice of Conveyance and Order Providing for Opening of Public Lands

August 16, 1983.

1. Notice is hereby given that pursuant to Section 206 of the Act of October 21, 1976 (43 U.S.C. 1716 (1976)), the surface estate only in the following described land has been conveyed to Frank J. Cimrhakl, Daniel G. Cimrhakl and Robert G. Cimrhakl, Roy, Montana:

Principal Meridian, Montana

T. 20 N., R. 23 E.,
Sec. 31, Lots 1, 2, NE¼ and E½NW¼.
T. 20 N., R. 24 E.,
Sec. 25, SW¼NE¼.
T. 20 N., R. 25 E.,
Sec. 18, Lot 2 and NE¼SE¼; and
Sec. 19, SE¼NW¼.
Aggregating 461.75 acres.

2. In exchange for the above land, the United States acquired the surface estate only in the following described land in Fergus County, Montana. The government owns all the minerals in this land:

Principal Meridian, Montana

T. 21 N., R. 25 E.,
Sec. 21, NE¼;
Sec. 22, W½; and
Sec. 27, NW¼.
Containing 640 acres.

3. The order restores the land acquired by the United States to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on September 20, 1983, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. All minerals in the acquired land were and continue to be in United States ownership. The land has been and continues to be open to operation of the United States mining laws and the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, P.O. Box 36800, 222 North 32nd Street, Billings, Montana 59107.

Ronald L. Bartley,

Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 83-23093 Filed 8-22-83; 8:45 am]

BILLING CODE 4310-84-M

[M 55224]

Montana; Conveyance and Order Providing for Opening of Public Lands

August 16, 1983.

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of conveyance and order providing for opening of public lands in Garfield County, Montana.

SUMMARY: Notice is hereby given that pursuant to Section 206 of the Act of October 21, 1976 (43 U.S.C. 1716 (1976)), the following described land was conveyed to Larry R. Withee and Sandra L. Johnson, a.k.a. Sandra L. Withee:

Principal Meridian, Montana

T. 18 N., R. 41 E.,
Sec. 12: E½NE¼.
Containing 80 acres.

In exchange for the above land, the United States acquired the following described land in Garfield County, Montana:

Principal Meridian, Montana

T. 18 N., R. 41 E.,
Sec. 13: W½NW¼.
Containing 80 acres.

This order restores the lands acquired by the United States to the operation of the public land laws generally.

DATES: At 9 a.m. on September 26, 1983, the lands will be open to the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All applications received at or prior to 9 a.m. on September 26, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Ronald L. Bartley,

Acting Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 83-23092 Filed 8-22-83; 8:45 am]

BILLING CODE 4310-84-M

[M 56230, M 56230-A, M 56231]

Montana; Order Providing for Opening of Public Lands

August 16, 1983.

1. In **Federal Register** Volume 47, Number 243, pages 56563–56564, dated December 17, 1982, approximately 14,091.50 acres were proposed as suitable for classification for transfer to the State of Montana under the State Indemnity Selection program. All the lands have been transferred to the State of Montana with the exception of 4,597.31 acres which have been deleted from the State's application and are described as follows:

Principal Meridian

T. 4 N., R. 2 E.,
Sec. 2, Lot 5; and
Sec. 12, Lots 2, 3, and 6, SW¼NW¼.
T. 15 N., R. 55 E.,
Sec. 24, All.
T. 15 N., R. 56 E.,
Sec. 30, Lots 1 and 2, E½, E½NW¼.
T. 12 N., R. 6 W.,
Sec. 18, Lots 1, 2, and 3, N½NE¼, E½NW¼.
T. 16 N., R. 6 W.,
Sec. 34, N½NE¼, SW¼NE¼ and W½.
T. 10 N., R. 9 W.,
Sec. 4, Lots 3 and 4, SW¼NW¼, NE¼SE¼, S½S½;
Sec. 9, Lot 2;
Sec. 14, Lots 3 and 4, S½NW¼, SW¼; and
Sec. 20, Lot 1, NE¼NW¼.
T. 11 N., R. 11 W.,
Sec. 14, Lot 1.
T. 12 N., R. 11, W.,
Sec. 12, NE¼SW¼, W½SE¼ and SE¼SE¼;
Sec. 14, W½SW¼, SE¼SW¼ and E½SE¼;
Sec. 22, Lot 1; and
Sec. 26, N½, SW¼, and W½SE¼.
T. 13 N., R. 14 W.,
Sec. 24, Lots 5, 6, and 12, NE¼; and
Sec. 27, SE¼NE¼ and E½SE¼.
T. 11 N., R. 18 W.,
Sec. 4, SW¼SW¼.
T. 8 S., R. 40 E.,
Sec. 24, NW¼SW¼;
Sec. 26, N½SW¼;
Sec. 27, N½SE¼; and
Sec. 34, SE¼SW½.
T. 9 S., R. 40 E.,
Sec. 3, N½SW¼ and NW¼SE¼; and
Sec. 4, NE¼SE¼.

The areas described aggregate 4,597.31 acres in Broadwater, Dawson, Big Horn, Powell, Missoula, and Lewis and Clark Counties, Montana.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 are hereby open to the operation of the public land laws including the mining laws (Chaper 2, Title 30 U.S.C.).

All valid applications under the public land laws received at or prior to 9:00 a.m. on September 30, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been and will continue to be open to application and offers under the mineral leasing laws.

4. Inquiries concerning the lands should be addressed to the Buresu of Land Management, P.O. Box 36800, 222 North 32nd Street, Billings, Montana 59107.

Ronald L. Bartley,

Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 83-23067 Filed 8-22-83; 8:45 am]

BILLING CODE 4310-84-M

New Mexico, White Sands Resource Area; Intent To Prepare a Resource Management Plan and Invitation To Participate in the Identification of Issues

AGENCY: Bureau of Land Management, Las Cruces District, New Mexico, Interior.

ACTION: Initiation of a Resource Management Plan (RMP) and Invitation to Participate in the Identification Issues

Description of Proposed Planning Action

The U.S. Department of the Interior, Bureau of Land Management (BLM), Las Cruces District, White Sands Resource Area, New Mexico, will prepare a Resource Management Plan (RMP) including an Environmental Impact Statement (EIS) as an integral part of the planning process. The plan will be designed to guide and control future management actions on approximately 1.75 million acres of public land administered by the BLM in the White Sands Resource Area. The Code of Federal Regulations, Title 43, Subpart 1601, will be followed for this planning effort. The public is invited to participate in the planning process, beginning with the identification of issues.

Geographic Area

The plan will consider the public land and Federal mineral ownership in Sierra and Otero Counties as one planning area. This encompasses approximately 1.75 million acres of BLM administered surface and 2.1 million acres of Federal minerals under Federal, state, and private surface in the two county area.

Anticipated Issues

Issues that may be addressed during development of the RMP include, but are not limited to, the following: (1) Rangeland Management—a long-term analysis is needed to determine levels of livestock use and rangeland improvements; and (2) Land Disposal—there is a need to identify land parcels that are suitable for disposal.

The public is invited to comment on these issues and to suggest other concerns, needs, or opportunities for consideration during planning.

Interdisciplinary Team

The RMP will be developed by an interdisciplinary team under the supervision of the White Sands Resource Area Manager. Individuals working on the team full-time will be a team leader, a writer-editor, an economist, a range conservationist, a realty specialist, a wildlife biologist, a typist, and a cartographer. Additional technical support will be provided by Resource Area and District staff specialists as needed.

Public Participation Plan

A comprehensive public participation plan has been prepared. It is intended to involve interested or affected parties early and continuously throughout the planning process. An individual may protest approval of a final RMP only with respect to those items submitted in writing to the District Manager during the planning process. The public participation plan is flexible and designed to accommodate the unique situations caused by the scattered nature of BLM's ownership pattern and the variety of affected publics. The plan generally follows a "grass roots" approach to public involvement, emphasizing localized, one-to-one contacts, and extensive direct mailings, as well as continual coordination with local, state, and other Federal agencies.

Meetings to determine the scope of the RMP will be held in Truth or Consequences and Alamogordo, New Mexico, and Dell City, Texas. A public notice will be distributed 15 days prior to the meetings inviting the public to attend.

A booklet on the RMP is scheduled to be mailed out this fall. The booklet is intended to introduce interested parties to the RMP process and to involve the public in the identification of issues and the development of planning criteria. The proposed issues and planning criteria, developed as a result of initial public involvement, will be announced and made available in the **Federal Register** before formal approval and use in planning.

Responsible BLM Official

Larry Nunez, Area Manager, White Sands Resource Area Office, P.O. Box 1420, Las Cruces, NM 88004.

Telephone: (505) 523–5571, FTS 571–8312.

Location and Availability of Documents Relevant to the Planning Process

Pertinent information is available in the Resource Area Office at 1705 North Valley Drive, Las Cruces, New Mexico.

Charles W. Luscher,

State Director, New Mexico.

[FR Doc. 83-23090 Filed 8-22-83; 8:45 am]

BILLING CODE 4310-84-M

Richfield District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Public Law 92–463, that a meeting of the Richfield District Grazing Advisory Board will be held September 13, 1983.

The meeting will begin at 9:00 a.m. in the Scipio Park, Scipio, Utah.

The agenda for the meeting includes:

1. Discussion of Cooperative Management Program.
2. Priority ranking of 1984 projects.
3. Field trip to review range projects and fire rehabilitation projects.
4. Arrangements for next meeting.

The meeting is open to the public. Interested persons may attend the field trip and should provide their own transportation and lunch. Those individuals wishing to make oral statements to the Board must notify the District Manager, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701 by September 6, 1983. Written statements for the Board's consideration will be accepted up to September 6, 1983 at the above address.

Donald L. Pendleton,

District Manager.

August 12, 1983.

[FR Doc. 83-23096 Filed 8-22-83; 8:45 am]

BILLING CODE 4310-84-M

Shoshone District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Shoshone District Grazing Advisory Board Meeting.

SUMMARY: Notice is hereby given, in accordance with PL 94–529, and 43 CFR part 1780, that a meeting of the Shoshone District Grazing Advisory Board will be held on Thursday, September 15, 1983, at 9 a.m., at the BLM District Office, 400 West F Street, Shoshone, Idaho 83352.

Agenda for the Grazing Advisory Board Meeting will be:

1. Allocation of FY 84 Range Betterment Funds.
2. Review of revised Exchange-of-Use policy.
3. Review of Cooperative Management Agreement.
4. Livestock conversions in Gooding Sheep Allotment.

SUPPLEMENTARY INFORMATION: The public is invited to attend and make written or oral statements which should not exceed 15 minutes in length. Requests for these statements should be made to the official listed below at least five days prior to the meeting.

Further information concerning this meeting may be obtained from the Shoshone District Manager, Bureau of Land Management, P.O. Box 2B, Shoshone, Idaho 83352, telephone (208) 886–2206. Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Shoshone District Office, Shoshone, Idaho.

Charles J. Harzier,

District Manager.

August 12, 1983.

[FR Doc. 83-23094 Filed 8-22-83; 8:45 am]

BILLING CODE 4310-84-M

[F-64846]

Alaska Native Claims Section; Cook Inlet Region, Inc.

In accordance with departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Secs. 12(b)(6) of the act of January 2, 1976 (89 Stat. 1151), and I.C. (2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976 (90 Stat. 1935), will be issued to Cook Inlet Region, Inc. for approximately 1,630 acres. The lands involved are within T. 1 S., R. 4 E., Fairbanks Meridian, Alaska.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the FAIRBANKS DAILY NEWS-MINER upon issuance of the decision. For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearing and Appeals, in accordance with the regulations in Title 43 CODE OF FEDERAL REGULATIONS (CFR), Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.
2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until September 22, 1983, to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Cook Inlet Region, Inc., P.O. Drawer 4–N, Anchorage, Alaska 99509

State of Alaska, Department of Natural Resources, Division of Research and Development, Pouch 7–005, Anchorage, Alaska 99510

Paula M. Benson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-23073 Filed 8-22-83; 8:45 am]

BILLING CODE 4310-84-M

San Juan River Coal Production Region; Fair Market Value Subgroup; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the meeting of the Fair Market Value Subgroup previously scheduled for August 23, 1983 (48 FR 33361; July 21, 1983) has been postponed.

DATE AND ADDRESS: The new date for the meeting will be September 13, 1983. The meeting will begin at 1:30 p.m., MDT, in the conference room at the New Mexico Energy and Minerals Department, 525 Camino de los Marquez, Santa Fe, New Mexico.

FOR FURTHER INFORMATION CONTACT: Charles Turpen, 525 Camino de los Marquez, Santa Fe, New Mexico 87501, telephone number (505) 827–5950.

Persons planning to attend this meeting should verify the time and location by calling Mr. Turpen on the day preceding the meeting.

Dated: August 17, 1983.

Charles W. Luscher,

State Director.

[FR Doc. 83-23071 Filed 8-22-83; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before August 12, 1983. Pursuant to § 60.13 of 36 CFR Part 60 Written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by September 7, 1983.

Patrick Andrus,

Acting Chief of Registration, National Register.

ALASKA

Sitka Division

Sitka, *Lutheran Church of New Archangel Site (Sitka Lutheran Church Site)*, 224 Lincoln St.

ARKANSAS

Phillips County

Helena, *Collidge House*, 820 Perry St.
Helena, *Habib's* 517–519 Cherry St.
Helena, *Keesee House*, 723 Arkansas St.
Helena, *West House*, 229 Beech St.

Union County

El Dorado, *Murphy, Charles H., Sr., House*, 900 N. Madison Ave.

CALIFORNIA

Contra Costa County

Pacheco, *Hendrick, William T., House*, 218 Center Ave.

Santa Clara County

Los Gatos, *Yung See San Fong, House*, 16660 Cypress Way

CONNECTICUT

New Haven County

New Haven, *Dwight Street Historic District*, Roughly bounded by Park, N. Frontage, Scranton, Sherman, and Elm Sts.

GEORGIA

DeKalb County

Atlanta, *Candler Park Historic District*, Roughly bounded by Moreland, DeKalb, McLendan, and Harold Aves., Mathews St., and Clifton Terr.

Grady County

Cairo vicinity, *Sasser Farm*, Sasser Farm Rd., S of Cairo

IDAHO

Adams/Idaho/Nez Perce Counties

Hells Canyon Archaeological District, both sides of Snake River from Hells Canyon Dam to Cougar Rapids

Bonneville County

Swan Valley vicinity, *Snake River Ranger Station*, U.S. 26

KENTUCKY

Boone County

Petersburg vicinity, *Rogers Site*.

LOUISIANA

Ascension Parish

Donaldsonville vicinity, *Evan Hall Slave Cabins*, W of Donaldsonville

Avoyelles Parish

Simmesport, *Lacour's Fish and Ice Company Building*, LA 1

Calcasieu Parish

DeQuincy, *All Saints Episcopal Church*, Hall and Harrison Sts.

Lincoln Parish

Dubach, *Dubach, Fred B., House*, LA 151

Red River Parish

Coushatta, *Coushatta Bank Building*, 103 Carroll St.

St. James Parish

Lutcher, *Longview*, LA 44

MARYLAND

Allegany County

Frostburg, *Frostburg Historic District*, Western Rr, Mt. Pleasant Terr., Main, Frost, Water, Broadway, Bealls, and Fairview Sts.
Mount Savage, *Mount Savage Historic District*, Roughly bounded by Foundry Row, Jennings Run, New School Rd., Yellow Row, Cherry St., and Columbia Ave.

Baltimore (Independent City)

Poppleton Fire Station, 756–760 W. Baltimore St.

MICHIGAN

Kent County

Grand Rapids, *Ledyard Block Historic District*, 123–145 Ottawa Ave., and 104–124 Monroe Center, N.W.

Muskegon County

Muskegon, *Hovey, Horatio N., House*, 318 Houston Ave.

Washtenaw County

Ann Arbor, *Weinmann Block*, 219–223 E. Washington St.
Lima, *South Lima Rural Historic District*, Jerusalem, Liberty, Scio Church, Fletcher, Lima Center, Dancer, and Steinback Rds.

MISSOURI

Clark County

Kahoka, *Clark County Courthouse*, 101 E. Court St.

Jackson County

Kansas City, *Floyd, Jacobs, House (Residential Structures by Mary Rockwell Hook TR)*, 5050 Sunset Dr.
Kansas City, *Four Gates Farm (Residential Structures by Mary Rockwell Hook TR)*, 13001 Little Blue Rd.
Kansas City, *Hook, Mary Rockwell, House (Residential Structures by Mary Rockwell Hook TR)*, 4940 Summit St.
Kansas City, *House at 5011 Sunset Drive (Residential Structures by Mary Rockwell Hook TR)*, 5011 Sunset Dr.
Kansas City, *House at 54 E. 53rd Terrace (Residential Structures by Mary Rockwell Hook TR)*, 54 E. 53rd Terr.
Kansas City, *Love, Emily Rockwell, House (Residential Structures by Mary Rockwell Hook TR)*, 5029 Sunset Dr.
Kansas City, *Ostertag, Robert, House (Residential Structures by Mary Rockwell Hook TR)*, 5030 Summit St.
Kansas City, *Pink House (Residential Structures by Mary Rockwell Hook TR)*, 5012 Summit St.
Kansas City, *Rockwell, Bertrand, House (Residential Structures by Mary Rockwell Hook TR)*, 1004 W. 52nd St.
Kansas City, *Row House Buildings*, 3401 Main, 1–7 and 9–23 E. 34th St.

Jefferson County

Kimmswick, *Windsor Harbor Road Bridge*, Windsor Harbor Rd. at Rock Creek

Monroe County

Florida, *Violette, Merritt, House*, Off MO 107

Nodaway County

Maryville, *Frank House*, 307 E. 7th St.

Rolls County

Hannibal, *Brown, James B., House*, 2400 Carrs Lane

Sullivan County

Milan vicinity, *Camp Ground Church and Cemetery*, W of Milan

Taney County

Forsyth vicinity, *Swan Creek Bridge*, N of Forsyth

NEW HAMPSHIRE

Belknap County

Alton, *Alton Bay Railroad Station*, NH 11
Centre Harbor, *Centre Harbor Village Historic District*, Main and Plymouth Sts.
Gilmanton, *Centre Congregational Church*, Province Rd.
Gilmanton, *Gilmanton Academy*, Province Rd.

Carroll County

Center Sandwich, *Hansen's Annex*, Main St.
Sandwich, *Durgin Bridge*, Durgin Bridge Rd.
Wakefield, *Wakefield Public Library*, Mtn. Laurel Rd.
Wolfeboro, *Brewster Memorial Hall*, S. Main and Union Sts.

Strafford County

Strafford, *Strafford Union Academy*, NH 202A and 126

NEW YORK

Albany County

Rensselaerville, *Rensselaerville Historic District*, Old Albany, Pond Hill, Methodist Hill Rds. and Main St.

Bronx County

New York, *Bronx County Courthouse*, 851 Grand Concourse
New York, *Christ Church Complex*, 5030 Riverdale Ave.
New York, *Colgate, Robert, House (Stonehurst)*, 5225 Sycamore Ave.
New York, *Longwood Historic District*, Roughly bounded by Beck St., Longwood, Leggett, and Prospect Aves.
New York, *Public School 11, 1257 Ogden Ave.*
New York, *St. Peter's Church, Chapel and Cemetery Complex*, 2500 Westchester Ave.

Chautauqua County

Westfield, *Atwater-Stone House (Westfield Village MRA)*, 29 Water St.
Westfield, *Bliss, L., House (Westfield Village MRA)*, 90 W. Main St.
Westfield, *Campbell-Taylor, Harriet, House (Westfield Village MRA)*, 145 S. Portage St.
Westfield, *East Main Street Historic District (Westfield Village MRA)*, E. Main St.
Westfield, *Fay-Usborne Mill (Westfield Village MRA)*, 48 Pearl St.
Westfield, *French Portage Road Historic District (Westfield Village MRA)*, E. Main and Portage Sts.
Westfield, *Hall, Frank A., House (Westfield Village MRA)*, 34 Washington St.
Westfield, *Lake Shore & Michigan Southern Freight Depot (Westfield Village MRA)*, English St.
Westfield, *Lake Shore & Michigan Southern Railroad Station (Westfield Village MRA)*, English St.
Westfield, *Mack, Gerald, House (Westfield Village MRA)*, 79 N. Portage St.
Westfield, *McMahan Homestead (Westfield Village MRA)*, 232 W. Main Rd.
Westfield, *Nixon Homestead (Westfield Village MRA)*, 119 W. Main St.
Westfield, *Rorig Bridge (Westfield Village MRA)*, Water St. at Chautauqua Creek.
Westfield, *Thompson, Henry Dwight, House (Westfield Village MRA)*, 29 Wood St.
Westfield, *Ward House (Westfield Village MRA)*, 118 W. Main St.
Westfield, *Welch Factory Building #1 (Westfield Village MRA)*, 101 N. Portage St.
Westfield, *Wright, Reuben Gridley, Farm Complex (Westfield Village MRA)*, 233 E. Main St.
Westfield, *Wright, Reuben, House (Westfield Village MRA)*, 309 E. Main St.
Westfield, *York-Skinner House (Westfield Village MRA)*, 31 Union St.

Chenango County

South Otselic, *South Otselic Historic District*, Gladding, N. and S. Main Sts., Clarence Church and Plank Rds., and Potter Ave.

Dutchess County

Pine Plains, *Pines, The*, Maple St.

Erie County

Buffalo, *St. Andrew's Evangelical Lutheran Church Complex*, Sherman and Peckham Sts.
Buffalo, *Young Men's Christian Association Central Building*, 45 W. Mohawk St.
Kenmore, *Eberhardt Mansion*, 2746 Delaware Ave.

Essex County

Saranac Lake, Will Rogers Memorial Hospital, NY 86

Jefferson County

Sackets Harbor, *Sackets Harbor Village Historic District*, Main, Washington, Pike, Edmund, Hill, Hamilton, Broad, and Ambrose Sts.

Kings County

New York, *Boerum Hill Historic District*, Roughly bounded by Pacific, Wyckoff, Bergen, Nevins, Bond and Hoyt Sts.
New York, *Carroll Gardens Historic District*, Carroll and President Sts. between Smith and Hoyt Sts.
New York, *Eastern Parkway*, Eastern Pkwy from Grand Army Plaza to Ralph Ave.
New York, *Flatbush Dutch Reformed Church Complex*, 890 Flatbush Ave., and 2101–2103 Kenmore Terr.
New York, *Fort Greene Historic District*, Roughly bounded by Ft. Greene Pl., Fulton St., Vanderbilt and Myrtle Aves.
New York, *Greenwood Cemetery*, 5th Ave. and 25th St.
New York, *Ocean Parkway*, From Church Ave., to Seabreeze Ave.
New York, *Prospect Heights Historic District*, Roughly bounded by Pacific and Bergens Sts., Flatbush and Vanderbilt Aves., and Park Pl.
New York, *Prospect Lefferts Garden Historic District*, Roughly bounded by Sterling St., Fenmore and Lincoln Rds., and Rogers, Flatbush, Parkside, Lefferts and Nostrand Aves.
New York, *St. George's Protestant Episcopal Church*, 800 Marcy Ave.

Montgomery County

Canajoharie, Van Alstyne House, Moyer St.

Nassau County

Valley Stream, Pagan-Fletcher House, 127 Hendrickson Ave.

New York County

New York, *Central Savings Bank*, 2100–2108 Broadway
New York, *Dorilton*, 171 W. 71st St.
New York, *Houses at 647, 651–53 Fifth Avenue and 4 East 52nd Street*, 647, 651–53 5th Ave. and 4 E. 52nd St.
New York, *Lincoln Building*, 1 Union Sq. W.
New York, *Pomander Walk District*, 261–267 W. 94th St., 260–274 W. 95th St., and Pomander Walk
New York, *Red House*, 350 W. 85th St.
New York, *West 73rd–74th Street Historic District*, 73rd, 74th Sts., and Columbus Ave.

Orleans County

Albion, *Barlow, William V.N., House*, 223 S. Clinton St.

Oswego County

Pulaski, *Pulaski Village Historic District*, Jefferson, Broad, Bridge, Hubbel, and Lake Sts.

Queens County

Jamaica, *Jamaica Chamber of Commerce Building*, 8931 161st St.
Long Island City, *Steinway House*, 18–22 41st St.
New York, *Grace Episcopal Church Complex*, 15515 Jamaica Ave.
New York, *Kurtz, J., and Sons Store Building*, 162–24 Jamaica Ave.
New York, *Long Island City Courthouse Complex*, 25–10 Court Square.

Richmond County

New York, *Hamilton Park Community Houses*, 105 Franklin Ave., 66 Harvard Ave., and 32 Park Pl.
New York, *McFarland-Bredt Houses*, 30 Hylan Blvd.
New York, *Office Building and U.S. Light-House Depot Complex*, 1 Bay St.

Rockland County

South Nyack, *Ross-Hand Mansion*, 122 S. Franklin St.

Ulster County

Gardiner, *Aldrich, Peter, Homestead (Shawangunk Valley MRA)*, 168 Decker Rd.
Gardiner, *Bevier House (Shawangunk Valley MRA), Bevier Rd.*
Gardiner, *Brykill (Shawangunk Valley MRA)*, Bruynswick Rd.
Gardiner, *Van Vleck house (Shawangunk Valley MRA)*, Bruynswick Rd.
Shawangunk, *Decker, William, House (Shawangunk Valley MRA)*, New Prospect Rd.
Shawangunk, *Dill Farm (Shawangunk Valley MRA)*, Off Goebel Rd.
Shawangunk, *Jansen, Johannes, House and Dutch Barn (Shawangunk Valley MRA)*, Decker Rd.
Shawangunk, *Jansen, Thomas, House (Shawangunk Valley MRA)*, Jansen Rd.
Shawangunk, *Miller's House at Red Mills (Shawangunk Valley MRA)*, Red Mills Rd. and Wallkill Ave.

Shawangunk, *Pearl Street Schoolhouse (Shawangunk Valley MRA)*, Awosting and Decker Rds.
Shawangunk, *Terwilliger House (Shawangunk Valley MRA)*, Hoagerburgh Rd.

Westchester County

Katonah, *Katonah Village Historic District*, Parkway, Valleyedge, Edgemont and Bedford Rds.

NORTH CAROLINA

Guilford County

Oak Ridge vicinity, *Benbow, Jesse, House II*, N C 150

Johnston County

Princeton, *Hasting-McKinnie House*, 201 S. Pierce St.

Lee County

Sanford, *Temple Theatre*, 120 Carthage St.

Moore County

Pinehurst vicinity, *Lloyd-Howe House*, SW of Pinehurst

Richmond County

Rockingham, *Bank of Pee Dee Building (Rockingham MRA)*, 201 E. Washington St.
Rockingham, *Hannah Pickett Mill No. 1 (Rockingham MRA)*, 300 King Edward St.
Rockingham, *Roberdel Mill No. 1 Company Store (Rockingham MRA)*, 1106 Roberdel Rd.
Rockingham, *Rockingham Historic District (Rockingham MRA)*, Roughly bounded by LeGrand and Brookwood Aves., Leak and Ann Sts.
Rockingham, *U.S. Post Office and Federal Building (Rockingham MRA)*, 125 S. Hancock St.
Rockingham, *Watson, H. C., House (Rockingham MRA)*, 526 Caroline St.

Rockingham County

Eden, *Dempsey-Reynolds-Taylor Houses*, 610 Henry St.

Sampson County

Clinton, *Graves-Stewart House*, 600 College St.

Wake County

Falls, *Falls of the Neuse Manufacturing Company*, Neuse River at SR 2000 Raleigh, *Lumsden-Boone Building*, 226 Fayetteville St. Mall
Raleigh, *Professional Building*, 123-127 W. Hargett and McDowell Sts.

OHIO

Belmont County

Bellaire, *Imperial Glass Company*, 29th and Belmont Sts.

Cuyahoga County

Cleveland, *Halle Building*, 1228 Euclid Ave.
Cleveland, *Universal Terminal Company Dock and Warehouse*, 5451 N. Marginal Rd.

Greene County

Fairborn, *Both Township Consolidated School*, 221 N. Central Ave.

Hamilton County

Cinicinnati, *Park Flats*, 2378–2384 Park Ave.

Licking County

Pataskala, *Bethel Baptist Church (Pataskala MRA)*, Vine and Cedar Sts.
Pataskala, *Casterton House (Pataskala MRA)*, 105 Broadway
Pataskala, *Elliot House (Pataskola MRA)*, 301 S. Main St.
Pataskala, *Kauber, Warren F., Funeral Home (Pataskala MRA)*, 289 S. Main St.
Pataskala, *Mead House (Wind Flower House) (Pataskala MRA)*, 245 S. Main St.
Pataskala, *Pataskala Banking Company (Pataskala MRA)*, 354 S. Main St.
Pataskala, *Pataskala Elementary School (Pataskala MRA)*, 396 S. High St.
Pataskala, *Pataskala Jail (Pataskala MRA)*, Main St.
Pataskala, *Pataskala Presbyterian Church (Pataskala MRA)*, Atkinson and Main Sts.
Pataskala, *Pataskala Town Hall (Pataskala MRA)*, 430 Main St.
Pataskala, *Pataskala United Methodist Church (Pataskala MRA)*, 458 S. Main St.

Sandusky County

Lindsey vicinity, *Overmyer-Waggoner-Roush Farm*, 654 S. Main St.

Wood County

Rossford, *Eagle Point Colony Historic District*, Colony Rd., Riverside, Eagle Point, Park, and Forest Drs.

OREGON

Wallowa County

Hells Canyon Archaeological District, Both sides of Snake River from Hells Canyon Dam to Cougar Rapids

PENNSYLVANIA

Columbia County

Bloomsbury, *Bloomsburg Historic District*, Roughly bounded by Penn, 5th, West, Willow, Millville and Light Sts.

SOUTH CAROLINA

Charleston County

Charleston, *Robb, William, House*, 12 Bee St.

Greenville County

Travelers Rest vicinity, *Goodwin, John H., House*, SC 11 at U.S. 25

Laurens County

Laurens, *Irby-Henderson-Todd House*, 112 Todd Ave.

VIRGINIA

Spotsylvania County

Spotsylvania, *Spotsylvania Court House Historic District*, VA 208

Staunton (Independent City)

Newtown Historic District, Roughly bounded by Lewis St., C & O RR, S. Jefferson, W. Beverley, Thornrose Cemetery, Allegheny and Churchville Aves.

WISCONSIN

Brown County

De Pere, *North Broadway Street Historic District*, Broadway, Ridgeway Blvd., Morris, Fulton, Franklin, Cass, Front, and Wisconsin Sts.

Sheboygan County

Adell vicinity, *St. Patrick's Roman Catholic Church*, WI 1

Winnebago County

Oshkosh, *Morgan, John R., House*, 234 Church Ave.

[FR Doc. 83-22895 Filed 8-22-83; 8:45 am]
BILLING CODE 4310-07-M

National Capital Region—Rock Creek Park, Washington, D.C.; Availability of Record of Decision/Finding of No Significant Impact; Rock Creek Bike Trails Study

A Record of Decision/Finding of No Significant Impact has been prepared for the Rock Creek Bike Trails Study.

The National Park Service proposes to expand the weekend and holiday closures of Beach Drive (Phase II). These closures would begin on April 1 and continue through October 23. The Park Service also proposes to construct approximately 3½ miles of new recreational bike trail in Rock Creek Park (generally within an 8-foot width from Blagden Avenue to Joyce Road), to undertake physical improvements to existing sections of bike trail for safety purposes and to increase efforts to enforce traffic laws. The section of Beach Drive north of Bingham Drive will be signed as a class III trail and additional study will be undertaken to determine the suitability feasibility of constructing a recreational bike trail in this area.

Copies of the document are available by writing to the following address: Superintendent, Rock Creek Park, 5000 Glover Road NW., Washington, D.C. 20015.

This document is also available for reading at the same address.

Dated: August 12, 1983.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

[FR Doc. 83-23031 Filed 8-22-83; 8:45 am]
BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Availability of Annual Evaluation Reports on the Administration of State Regulatory and Abandoned Mine Lands Programs Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Notice of availability.

SUMMARY: OSM is announcing the availability of ten annual evaluation reports on the administration of State regulatory and abandoned mine lands(AML) programs under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The ten reports, covering the States of Colorado, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Oklahoma, Texas and West Virginia, were prepared under the provisions of OSM's oversight policy and have been transmitted to Congress.

ADDRESSES: See "SUPPLEMENTARY INFORMATION" for the addresses where copies of the reports may be obtained.

FOR FURTHER INFORMATION CONTACT: Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; Telephone: (202) 343–5351.

SUPPLEMENTARY INFORMATION:

Addresses

Copies of the reports are available, free of charge, at the respective OSM offices listed below:

Colorado: Albuquerque Field Office, Office of Surface Mining, 219 Central Avenue, N.W., Albuquerque, new Mexico 87102

Kentucky: Lexington Field Office, Office of Surface Mining, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504

Louisiana; Oklahoma; Texas: Tulsa Field Office, Office of Surface Mining, 333 West 4th Street, Room 3432, Tulsa, Oklahoma 74103

Maryland; West Virgina: Charleston Field Office, Office of Surface Mining, 603 Morris Street, Charleston, West Virginia 25301

Mississippi: Birmingham Field Office, Office of Surface Mining, 228 West Valley Avenue, 3rd Floor, Homewood, Alabama 35209

Missouri: Kansas City Field Office, Office of Surface Mining, 818 Grand Avenue, Scarritt Building, Kansas City, Missouri 64106

Montana: Casper Field Office, Office of Surface Mining, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82644

Background

Under Section 503 of SMCRA, a State may elect to assume primary responsibility for regulating surface coal mining and reclamation operations within its borders by submitting a program to the Secretary of the Interior which demonstrates the State's capability to carry out the provisions of SMCRA. Once the Secretary approves the program, the State is granted primacy, and the Federal government assumes a monitoring and evaluation role. OSM has developed an evaluation policy, in consultation with the States, which is implemented primarily through OSM's Field Offices. Monitoring of the State's administration and enforcement of its regulatory and AML programs is conducted throughout the year. The Field Office Directors compile and analyze the data gathered during the evaluation period and prepare annual evaluation reports for transmittal to Congress. The Schedule for the reports calls for staggered completion dates.

The first ten evaluation reports for this year have been completed. The Colorado, Louisiana, Missouri, Montana and Texas reports were completed and sent to Congress June 24, 1983. The Kentucky, Maryland, Mississippi, Oklahoma and West Virginia reports were completed and sent to Congress July 26, 1983. These final reports are now publicly available. As the remaining reports are completed, OSM plans to make them available also.

Dated: August 18, 1983.

James R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83–23169 Filed 8–22–83; 8:45 am]

BILLING CODE 4310–05–M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: August 18, 1983.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) North Pacific Canners & Packers, Inc.

(2) P.O. Box 1800, Lake Oswego, OR 97034.

(3) 18053 S.W. Lower Boones Ferry Rd., Durham, OR 97062.

(4) Bill Chaplin, P.O. Box 1800, Lake Oswego OR 97034.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–23059 Filed 8–22–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Approved Exemption.

SUMMARY: The motor carriers shown below have been granted exemption 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 exemption will be effective on September 22, 1983. Petitions to reopen must be filed by September 12, 1983. Petitions for stay must be filed by September 2, 1983.

ADDRESSES: Send pleadings to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative(s), as shown below

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceedings(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, D.C. 20423; or call (202) 289–4357 in the D.C. metropolitan area; or (800) 424–5403 Toll-free outside the D.C. area.

Decided: August 16, 1983.

Agatha L. Mergenovich,

Secretary.

[No. MC–F–15266]

DLM Transportation, Inc.—Purchase Exemption—KSS Transportation Corp.

Send pleadings to:

(1) Office of the Secretary

and

(2) Petitioner's representative, Arlyn L. Westergren, Esq., Westergren, Hauptman & O'Brien, P.C., Suite 201, 9202 West Dodge Road, Omaha, NE 68114

Pleadings should refer to No. MC–F–15266.

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 DLM Transportation of that portion of the operating rights of KSS Transportation Corp. described in Certificate No. MC–145468 (Sub-No. 47).

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

[No. MC–F–15245]

Trailer Transit, Inc.—Purchase Exemption—Sawyer Transport, Inc. (Nathan Yorke, Trustee-in-Bankruptcy)

Send pleadings to:

(1) Office of the Secretary

and

(2) Petitioner's representative: Carl L. Steiner, 135 S. La Salle St., Chicago, IL 60603

Pleadings should refer to No. MC–F–15245.

Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(2), the purchase by TRAILER TRANSIT, INC., of those operating rights of SAWYER TRANSPORT, INC., found (A) in paragraphs (5) (a) and (b), (17), (43), (48), (53), (131), (142) (a) and (b), (174), (200), (219), (222), (236), (240), (315), (63), (12) (a) and (b), (20), (27), (59), (73), (88), (38), (109), (8), (139) (a), (b), (c), (d), (e), (f), and (g), and (324) of Certificate No. MC–123407 (Sub-No. 668)X, including the underlying authorities in paragraph (6) of Certificate No. MC–123407 and in Certificates No. MC–123407 (Sub-Nos. 22, 44, 82, 98, 107, 272, 283, 340, 396, 430, 434, 460F, 466F, 628F, 125, 29, 52, 61, 118, 139, 171, 72, 219, 20, and 643F), (B) in Certificates No. MC–123407 (Sub-Nos. 660F, 672, 655F, 658F, 41, 85, 87, 140, 381, 407, 441F, 450F, 462F, 519F, 522, 541F, 549, 613, 640F, 641F, 648F, 654F, 657F, 659F, 659F, and 671), and (C) in Permits No. MC–150705 (Sub-Nos. 2F, 3F, 4F, 5F, and 6).

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.

[FR Doc. 83-23061 Filed 8-22-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

The decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory acion under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–FC–350

No. MC–FC–81462. By decision of August 16, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, the Review Board, Members—Joyce, Fortier, and Dowell approved the transfer to SELECT DISTRIBUTORS, INC., of Fort Worth, TX, of Certificate No. MC–118130 Sub-Nos. 120, 122X (and the underlying authority in Certificate No. MC–118130 and Sub-Nos. 67, 69, 71, 72, 73, 79, 82, 83, 84, 85, 88, 90, 91, 93, 94, 96, 99, 100, 103, 104, 105, 109, 110, 113, 114, 117, 118, 119, 121, E1, E2, E3, E4, E5, E7, and E8, and Certificate No. MC–115092 Sub-Nos. 25 and 108), 123, 125, 126, issued December 19, 1980, August 25, 1981, September 24, 1981, April 7, 1982 and June 16, 1982, respectively, to SOUTH EASTERN XPRESS, INC., of Fort Worth, TX, authorizing the transportation of (1) such commodities as are dealt in or used by discount stores, between points LA and TX, and points in the U.S., (2) food and related products, (a) between specified counties in AL, AZ, CA, CO, FL, GA, IA, ID, IN, KS, LA, MN, MS, ND, OK, SC, TX, WI and WY, and points in the U.S., and (b) between the facilities of Monfort of Colorado, Inc., in the U.S. (except AK and HI), and points in the U.S. (except AK and HI), (3) general commodities (with exception), between the facilities of the Ralston Purina Company in the U.S., and points in the U.S., (4) pulp, paper and related products, between Tift and Chatham Counties, GA, and those points in the U.S. in and east of MT, WY, CO, and NM, (5) metal products, rubber and plastic products, clay, concrete, glass or stone products, between Walton and Greene Counties, GA, Navarro and Medina Counties, TX, Wapello County, IA, Maricopa County, AZ, and San Bernardino County, CA, and points in AL, AZ, CA, CO, FL, GA, IA, ID, KS, LA, MN, MO, MT, MS, NC, ND, NE, NV, NM, OK, OR, SC, SD, TN, TX, UT, WA and WY, (6) rubber and plastic products, and materials, equipment and supplies used in the manufacture and distribution of rubber and plastic products, between Dallas and Tarrant Counties, TX, and points in the U.S., (7) such commodities as are dealt in or used by chain stores and grocery houses, between Poke County, AL, and points in the U.S., (8) such commodities as are dealt in by grocery and food business houses and

agricultural feed business houses, and paste, (a) between Oklahoma and McLain Counties, OK, and points in AR, AL, CO, LA, MS, TN and TX, and (b) between Denver, Arapahoe, Jefferson and Adams Counties, CO, and points in NM and TX, (9) textile mill products, lumber and wood products, leather and leather products, chemicals and related products, metal products, and petroleum products, (a) between Los Angeles and Orange Counties, CA, and points in AR, LA, NM, OK and TX, and (b) between points in Falls County, TX, and points in AL, AZ, CA, CO, GA, ID, MT, NV, NM, NC, OR, SC, UT, WA and WY, (10) building materials, (a) between Mesa County, CO, and points in AZ, CA, KS, NV, NM, OR, TX, WA and WY, and (b) between Lincoln Parish, LA, and points in AL, FL, GA, MS, OK, SC and TX, (11) machinery, metal products, lumber and wood products, and rubber and plastic products, between Tarrant County, TX, and points in ID, MT, ND, NV, OR, SD, UT, WA and WY, (12) forest products, metal products, machinery, petroleum products and coal and coal products, (a) between Baxter County, AR, and points in AZ, CA, CO, IL, KS, MO, NM, OK and TX, (b) between Sacramento County, CA, and points in AZ, CA, NV and UT, (c) between Lane County, OR and points in AZ, CA, ID, MT, NV, UT, WA and WY, and (d) between Cherokee County, TX, and points in AZ, CA, CO, NV, NM and OK, (13) lumber and wood products, petroleum products and coal and coal products, between Stark County, ND, and points in CO, NE, NM, OK, SD, TX and WY, (14) such commodities as are dealt in or used by liquor stores, between points in NM and points in the U.S., (15) drugs, pharmaceuticals, medical equipment and supplies, and toilet preparations, between Bexar, Dallas and Tarrant Counties, TX, Howard and Prince Georges Counties, MD, Orange and Los Angeles Counties, CA, and Tippecanoe County, IN, and points in the U.S. (except AK and HI). Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. (817) 332-4718.

Note.—The Authority in (1) through (15) is radial. Applicant will retain Certificate No. MC-118130 (Sub-No. 127) which authorizes the transportation of general commodities (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), which will duplicate the authority that is being acquired by transferee.

MC-FC-81608. By decision of August 9, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, the Review Board, Members Joyce, Krock, and Williams, approved the transfer to RED APPLE ENTERPRISES, INC., Marshfield, WI, of Certificate No. MC-123641 (Sub-No. 6), issued February 22, 1982, and Permit No. MC-123641 (Sub-No. 7), issued October 2, 1981, to NORMAN GROSLAND, d.b.a. GROSLAND TRUCKING, Marshfield, WI, authorizing respectively, the transportation in the Sub 6 of such commodities as are dealt in or used by grocery food stores and food business houses, between points in WI, on the one hand, and, on the other, points in the U.S.; and in the permit, lumber, from Dorchester, WI, to Lexington, MO, under continuing contract(s) with Bennett-Daniels Lumber Co., Inc., of Wausau, WI, from points in WI, to Chicago, IL, Tell City, IN, Owensboro, KY, and Amasa, Bessemer, Menominee, and Wallace, MI, and from Fordsville, KY, Jefferson City and St. Joseph, MO, and points in IN, to points in WI, under continuing contract(s) with Hastreiser Hardwoods, Inc., of Wausau, WI, from Wisconsin Dells, WI, to Leeds and Minot, ND, Dallas, Everman, and Fort Worth, TX, and from points in IL, IN, KY, MO, OH, PA, and TN, to points in WI, under continuing contract(s) with Kilbourn Lumber and Supply, Ltd., of Wisconsin Dells, WI, and lumber products, between Dorchester, WI, on the one hand, and, on the other, points in MN, IA, IN, IL, and the Lower Peninsula of MI, under continuing contract(s) with Bennett Lumber Company, Inc., and Dorchester Hardwood, Inc., both of Dorchester, WI. An application for temporary authority has been filed. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703.

MC-FC-81629. By decision of August 9, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 1181, the Review Board, Members Fortier, Krock, and Dowell approved the transfer of a portion of the operating rights to S.K.T., INC., of Minot, ND, as set forth in Certificates No. MC-159221 Sub 2 and MC-159221 Sub 3, issued November 12, 1982 and June 13, 1983, respectively, to KENNETH KREIN AND ARLIN SISK, a Partnership, d.b.a. S.K.T., of Minot, ND, authorizing the transportation of general commodities with various exceptions, between points in ND, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NE, NJ, NM, NV, NY, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, WA, WI, WY and DC; and lumber and lumber products, between points in CA, ID, MT, OR, and WA, on the one hand, and, on the other, points in AR, CA, CO, IA, ID, KS, MN, MO, MT, ND, NE, OR, SD, TX, WA, WI and WY. NOTE: Transferor is retaining authority in Certificate No. MC-159221 to transport food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI); and Permit No. MC-159221 Sub 1 to transport 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 Becwar-Cedarstrom, Porter Brothers, American Lifestyle, Inc., and North Star Steel, Inc., all of Minot, ND. An application for temporary authority has been filed. Representative: Jack L. Schiller, 111-56 76th Drive, Forest Hills, NY 11375.

MC-FC-81658. By decision entered August 16, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, the Review Board, Members Joyce Fortier, and Dowell approved the transfer to RGA CORPORATION, of Fairfield, CT, of Certificate No. MC-166311, issued May 12, 1983, to CHESTNUT HILL BUS CORPORATION, of Bridgeport, CT, authorizing the transportation of passengers, in charter and special operations, between points in the U.S. (except HI). Applicant's representative: L. C. Major, Jr., Suite 304, Overlook Bldg., 6121 Lincolnia Rd., P.O. Box 11278, Alexandria, VA 22312, (703)-750-1112.

MC-FC-81660. By decision of August 16, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, the Review Board, Members Fortier, Dowell, and Carleton approved the transfer to AAROW MOVING & STORAGE, of Augusta, ME of Certificate No. MC-95730, issued January 21, 1976, to ALLEN'S TRANSFER & STORAGE, of Augusta, ME, and Certificates No. MC-108241, issued May 10, 1955, and Sub 8, issued March 26, 1973, to Barrows Transfer & Storage, of Waterville, ME, and acquired by Allen's Transfer & Storage, of Augusta, ME, pursuant to MC-FC76682, authorizing the transportation of (1) household goods as defined by the Commission, (a) between Brunswick, ME, and points in Kennebec, Lincoln and Sagadahoc Counties, ME, on the one hand, and, on the other, points in NH, MA, VT, RI, CT and NY, and (b) between points in ME, on the one hand, and, on the other, points in NH and MA, restricted against the transportation of new furniture from the plant sites of Moosehead Manufacturing Company at Dover-Foxcroft and Mason,

ME, (2) household goods, office furniture and equipment and store fixtures, between Portland, ME, and points within ten miles thereof, on the one hand, and, on the other, points in NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD and DC, and (3) used household goods, between points in ME. Applicant's representative: Norman L. Allen, 360 Civic Center Drive, Augusta, ME 04330, (207)-623-3875.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-FC-557

MC-FC-81670. By decision of August 16, 1983, issued, under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, the Review Board, Members Dowell, Carleton, and Joyce, approved the transfer to CAL-VAN TRANSPORTATION SERVICES, INC., of San Diego, CA, of Certificate No. MC-128036 Sub 2, issued July 17, 1981, to COR-O-VAN MOVING & STORAGE CO., of San Diego, CA, authorizing the transportation of household goods, between El Paso, TX, and points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. Representative: Edward J. Hegarty, 100 Bush St., 21st Floor, San Francisco, CA 94104, (415) 986-5778.

[FR Doc. 83-23062 Filed 8-22-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343, 367 I.C.C. 113 (1982), 47 F.R. 53303 (November 24, 1982).*

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the ofices of the Interstate Commerce Commission during usual business hours.

Decided: August 17, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume OP3-MCF-393

Canus Trucking, Ltd.—Purchase Exemption—GMW, Inc. (Brian F. Leonard, Trustee-in-Banking

[No. MC-F-15358]

Canus Trucking, Ltd. (MC-139151), seeks an exemption from the requirement under section 11343 of prior regulatory approval for the purchase of a portion of the operating rights of GMW, Inc. (MC-43475), authorizing generally the regular-route, motor common carrier transportation of general commodities (with certain exceptions), (1) between St. Paul, MN and Fargo, ND, (2) between Bemidji, MN and Red Lakes, MN, (3) between Minneapolis, and St. Paul, MN, and Ashland, WI, (4) between St. Paul, MN and Moorhead, MN, (5) between Duluth, MN and Motley, MN, (6) between Moorhead, MN and St. Clud, MN, (7) between Evansville, MN and junction U.S. HIghway 52 and U.S. HIghway 59, (8) between Duluth, MN and Grand Forks, ND, (9) between Little Falls, MN and Brainerd, MN, (10) between Moorhead, MN and the boundary of the U.S. and Canada, (11) between Crookston, MN and junction U.S. Highway 75 and MN Highway 81, (12) between Detroit Lakes, MN and Erskine, MN, (13) between Wadena, MN and Bemidji, MN, (14) between Thief River Falls, MN and junction U.S. Highway 2 and MN Highway 32, (15) between St. Paul, MN and junction U.S. Highway 210 and U.S. Highway 61, (16) between Duluth, MN and Walker, MN, (17) between Walker, MN and South St. Paul, MN (18) between Aitkin, MN and Garrison, MN, (19) between Crosby, MN and Walker, MN, (20) between Emily, MN and junction MN Highways 34 and 84, (21) between Backus, MN and Pontoria, MN, (22) between Motley, MN and Akely, MN, and (23) between Warren, Mn and Thief River falls, MN. An application for temporary authority has been filed.

Send Comments to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioner's representative, Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005.

Comments should refer to No. MC-F-15358.

Volume OP1-345

Duncan Truck Service, Inc.—Purchase Exemption—Sioux Transportation Inc. (A. Frank Baron, Trustee-in-Bankruptcy)

[No. MC-F-15351]

Duncan Truck Service, Inc. (MC-37490) and Sioux Transportation, Inc. (MC-22301) (A. Frank Baron, Trustee in Bankruptcy) seek an exemption from the requirement under Section 11343 of prior regulatory approval for the purchase by Duncan of a portion of the operating rights of Sioux, i.e., in Certificate No. MC-22301 (Sub-No. 26) authorizing the transportation of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Sioux City, IA and Sioux Falls, SD, over interstate Highway 29, serving all intermediate points.

ADDRESSES: Send comments to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
(2) Petitioners' Representatives, James E. Ballenthin, 1016 Conwed Tower, 444 Cedar Street, St Paul, MN 55101
Michael J. Ogborn, 500 The Atrium, 1200 N Street, P.O. Box 82028, Lincoln, NE 68501

Pleadings should refer to No. MC-F-15351.

[FR Doc. 83-23090 Filed 8-22-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November

19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These application may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10,000.

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.

Finding

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries about the following to Team Three (3) at (202) 275–5223.

Volume No. OP3–395

Decided: August 15, 1983.

By the Commission, Review Board Members Fortier, Joyce, and Dowell.

MC 157954 (Sub-1), filed July 28, 1983. Applicant: JOURNEY LINES INC., 12414 Hiway 99, Bay 19, Everett, WA 98204. Representative: Jack C. Larmore, 18807 88th W., Edmonds, WA 98020, (206) 745–2929. Transporting *passengers*, in charter and special operations, beginning and ending at points in WA, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 169524, filed July 27, 1983. Applicant: NORMAN FORMAN, d.b.a. NEW YORK TRANSPORTATION SERVICES, 405 E. 54th Street, New York, NY 10022. Representative: Norman Forman (same address as applicant), (212) 755–7090. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 169604, filed August 2, 1983. Applicant: EDWARD LEON SALMER, ROBERT EDWARD SALMER, A PARTNERSHIP, d.b.a. SALMER CARTAGE COMPANY, 665 Jamison, Hoffman Estates, IL 60195. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (617) 657–6071. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and othr soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 169615, filed August 3, 1983. Applicant: WINKLE BUS COMPANY, INC., 815 Derby Milford Road, Orange, CT 06477. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103, (413) 781–8205. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 169624, filed Augusts 3, 1983. Applicant: N. RICHMOND TRANSPORTATION, INC., 201 Ross Road, Richmond, VA 23229. Representative: Frank L. Willard, Suite No. 1001, First & Merchants National Bank Bldg., Norfolk, VA 23510, (804) 627–0070. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Please direct status inquiries to Team 1, (202) 275–7030.

Volume No. OP–1–342 (F)

Decided: August 12, 1983.

By the Commission, Review Board Members Krock, Fortier, and Joyce.

MC 160761, filed July 29, 1983. Applicant: M & M CHARTER BUS SERVICE, INC., 4714 Crenshaw Blvd., Los Angeles, CA 90043. Representative: James D. McCarns, 8820 Haas Ave., Los Angeles, CA 90047, (213) 778–4878. Transporting *passengers*, in charter and special operations, betwen points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

Volume No. OP–1–344

Decided: August 12, 1983.

By the Commission, Review Board Members Carleton, Krock, and Dowell.

MC 169421, filed July 25, 1983. Applicant: AMERICAN EAGLE EXPRESS, INC., 20 West Main St., Hohenwald, TN 38462. Representative: David Earl Tinker, 1000 Connecticut Ave., N.W., Suite 1112, Washington, DC 20036–5391, (202) 887–5868. Transporting (1) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, and (3) *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

Please direct status inquiries about the following to Team Four at (202) 275–7669.

Volume No. OP–4–556

Decided: July 21, 1983.

By the Commission, Review Board, Members: Carleton, Parker and Joyce.

MC 154787 (Sub-2), filed July 13, 1983, previously noticed in the **Federal Register** issue of July 29, 1983, and republished this issue. Applicant: RAY JERREL, INC., P.O. Box 69, Miles City, MT 59301. Representative: Charles A. Murray, Jr., 2822 Third Ave., N., Billings, MT 59101, (406) 232–4244. Transporting (1) *general commodities* (except classes A and B explosives and household goods), between points in PA and those points in the U.S. in and west of MI, OH, KY, TN, and MS, and (2) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

Notes.—(1) The purpose of this republication is to correct the territorial discription in part (1) of this proceeding, and (2) because this application includes issues subject to a finding of public interest as well as fitness only, it will be published in two volumes of this **Federal Register**. Part (1) will be published in Vol. No. 555. Part (2) will be published in Vol. No. 556.

[FR Doc. 83-23063 Filed 8-22-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokes 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. OP4–554

Decided: August 16, 1983.

By the Commission, Review Board, Members: Williams, Carleton and Dowell.

MC 136786 (Sub-248), filed August 8, 1983. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50306. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd. Suite 307, Minneapolis, MN 55424, (612) 927–8855. 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 ETS—a division of C. H. Robinson Company, of Eden Prairie, NM.

MC 142867 (Sub-2), filed July 26, 1983. Applicant: AMERICAN PACIFIC FORWARDERS, 5480 Ferguson Drive, Suite 102, Los Angeles, CA 90022. Representative: Robert J. Gallagher, 1435 G. St. NW., Suite 848, Washington, D.C. 20005, (202) 628–1642. Transporting *general commodities* (except household goods, commodities in bulk, and classes

A and B explosives), between points in the U.S. (except AK and HI).

MC 153457 (Sub-6), filed August 8, 1983. Applicant: TEXAS U.S. TRUCKING, INC., P.O. Box 4120, Ft. Worth, TX 76106. Representative: A.C. McAdams (same address as applicant), (817) 625–4191. Transporting *such commodities* as are dealt in or used by wholesale and retail grocery, drug, and food businesses, houses, between points in the U.S. (except AK and HI).

MC 156836 (Sub-1), filed August 5, 1983. Applicant: MURRY JOHNSON, INC., P.O. Box 158, Widener, AR 72394. Representative: Earl Mills (same address as applicant), (501) 633–8734. 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 162247 (Sub-1), filed August 5, 1983. Applicant: SABER TRANSPORT, INC., P.O. Box 18, Paulsboro, NJ 08066. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NJ, PA, NY, CT, RI, MA and DE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168327, filed August 8, 1983. Applicant: W. D. KERR & SONS, INC., 118 Ritter Road, R.D. No. 2, Sewickley, PA 15143. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471–3300. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

Volume No. OP4–555

Decided: July 21, 1983.

By the Commission, Review Board, Members: Carleton, Parker and Joyce.

MC 154787 (Sub-2), filed July 13, 1983, previously noticed in the **Federal Register** issue of July 29, 1983, and republished this issue. Applicant: RAY JERREL, INC., P.O. Box 69, Miles City, MT 59301. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101, (406) 232–4244. Transporting (1) *general commodities* (except classes A and B explosives and household goods), between points in PA and those points in the U.S. in and west of MI, OH, KY, TN, and MS, and (2) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

Notes.—(1) The purpose of this republication is to correct the territorial description in part (1) of this proceeding, and (2) because this application includes issues subject to a finding of public interest as well as fitness only, it will be published in two volumes of this **Federal Register**. Part (1) will be published in Vol. No. 555. Part (2) will published in Vol. No. 556.

Please direct status inquiries to Team 1, (202) 275–7030.

Volume No. OP1–341(N)

Decided: August 12, 1983.

By the Commission, Review Board Members: Krock, Fortier, and Joyce.

MC 61440 (Sub-229), filed July 26, 1983. Applicant: LEE WAY MOTOR FREIGHT, INC., P.O. Box 12750, Oklahoma City, OK 73157. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 East Fourth St., Tulsa, OK 74103, (918) 583–9000. 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 Lockheed Corporation, and its subsidiaries, of Burbank, CA.

MC 112801 (Sub-261), filed July 28, 1983. Applicant: TRANSPORT SERVICE COMPANY, 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: Leonard R. Kofkin, Suite 1515, 140 South Dearborn St., Chicago, IL 60603, (312)–580–2210. Transporting *petroleum and petroleum products*, between points in the U.S. (except AK and HI) under continuing contract(s) with Amoco Oil Company, of Chicago, IL.

MC 148530 (Sub-5), filed July 22, 1983. Applicant: MID-MONTANA, INC., P.O. Box 1131, Bozeman, MT 59715. Representative: Jerome Anderson, P.O. Drawer 849, Billings, MT 59103–0849, (406)–248–2611. Transporting (1) *dairy products*, and (2) *beverages*, between (a) points in Gallatin County, MT, on the one hand, and, on the other, points in WY, and (b) points in Salt Lake and Utah Counties, UT, on the one hand, and, on the other, points in MT.

MC 155070 (Sub-6), filed July 27, 1983. Applicant: APX, INC., 817 McDonald St., Green Bay, WI 54306. 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, department and home improvement stores, between points in the U.S. (except AK and HI), under contract(s) with that class of persons engaged in the manufacture and distribution of the above described commodities.

MC 165581, filed July 28, 1983. Applicant: VANGUARD TRANSPORTATION SYSTEMS, INC., 6673 Lake Drive, P.O. Box 475, West Chester, OH 45069. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602, (502)–223–8244. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in GA, IL, IN, KS, KY, MI, MO, OH, PA, TN, WV and WI, on the one hand, and, on the other, 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 file an application under 49 U.S.C. 11343 or an appropriate petition for exemption 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 application(s) or exemption for common control to Team 1, Room 2379.

MC 169550, filed July 29, 1983. Applicant: KIMBERLY O. PARROTT, d.b.a. K.O. EXPRESS, 15 Wood St., New Castle, PA 16102. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412)–471–1800. Transporting *general commodities* (except household goods), between points in OH and PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 169571, filed August 1, 1983. Applicant: ETX, INCORPORATED, 996 Old Eagle School Rd., Wayne, PA 19087. Representative: James W. Patterson, 1800 Penn Mutual Tower, 510 Walnut St., Philadelphia, PA 19106, (215) 925–8300. Transporting *general commodities* (except classes A and B explosives, households goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Egotrips, Inc., of Philadelphia, PA.

MC 169661, filed August 4, 1983. Applicant: B & B RIGGING & STORAGE, INC., Route 1, Box 139, Spruce Pine, AL 35585. Representative: O. A. DeVaney, P.O. Box 31022, Birmingham, AL 35222, (202) 428–8629. Transporting (1) *machinery*, and (2) *lumber and wood products*, between points in the U.S. (except AK and HI).

Volume No. OP1–343

Decided: August 12, 1983.

By the Commission, Review Board Members Carleton, Krock, and Dowell.

MC 129410 (Sub-36), filed July 27, 1983. Applicant: BONCOSKY

TRANSPORTATION, INC., 1301 Industrial Drive, Algonquin, IL 60102. Representative: Carl L. Steiner, 135 South LaSalle St., Suite 2106, Chicago, IL 60603. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Refined Sugar, Inc., of Yonkers, NY.

MC 151511 (Sub-7), filed July 25, 1983. Applicant: KERRY MOTOR SERVICE, INC., 4433 South Halsted St., Chicago, IL 60609. Representative: Loren Maas (same address as applicant), (312) 538–0700. 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 159711 (Sub-1), filed July 26, 1983. Applicant: FISCHER TRUCK & BUS SERVICE, INC., P.O. Box 622, Fernwood, WI 54431. Representative: Nancy J. Johnson, 103 East Washington St., Box 218, Crandon, WI 54520, (715) 352–2747. Transporting (1) *cheese*, between points in OH, MO, IL, WI, MN, KS, NE, ND, SD, OK, TX, NM, CO, WY, MT, AZ, UT, ID, NV, CA, OR and WA, and (2) *paper and paper products*, between points in Marathon, Price and Lincoln Counties, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 169481, filed July 27, 1983. Applicant: ASSOCIATED PRODUCTS, INC., 3730 N.W. 72nd St. Miami, FL 33147. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd St., Miami, FL 33166, (305) 592–0036.Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in FL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 169511, filed July 27, 1983. Applicant: EMBASSY ENTERPRISES, INC., 3424 North 63rd St., Omaha, NE 68104. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. 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 169590, filed August 1, 1983. Applicant: JOHNNY "R" TRUCKING, INC., 2463 W. St. Paul Ave. Milwaukee, WI 53233. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between point in the U.S. (except AK and HI).

MC 169650, filed August 3, 1983. Applicant: LENAPE TRUCK LEASING CO., INC., P.O. Box 227, Limecrest Rd., Lafayette, NJ 07848. Representative: Morton E. Kiel, Suite 2B, 475 South Main St., P.O. Box 489, New City, NY 10956, (914) 638–4007. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Please direct status inquiries about the following to Team Three (3) at (202) 275–5223.

Volume No. OP3–382

Decided: August 12, 1983.

By the Commission, Review Board Members Williams, Carleton, and Joyce.

MC 15735 (Sub-90), filed August 1, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680, (312) 681–8377. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Kerr-McGee Corporation and its subsidiaries of Oklahoma City, OK.

MC 117765 (Sub-329), filed August 1, 1983. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, Oklahoma City, OK 73147. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 528–3884. 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).

MC 133975 (Sub-14), filed July 28, 1983. Applicant: FLAMINGO TRANSPORTATION, INC., 11405 N.W. 36th Ave., Miami, FL 33167. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd St., Miami, FL 33166, (305) 592–0036. 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 141804 (Sub-542), filed July 27, 1983. Applicant: WESTERN EXPRESS (DIVISION OF INTERSTATE RENTAL, INC.), P.O. Box 10 (1444 Blairbridge Rd.), Austell, GA 30001. Representative: Gene J. Margelli (same address as applicant), (404) 944–9300. Transporting *containers and container ends*, between points in the U.S. (except AK and HI), under continuing contract(s) with Continental Can Company, Inc., of Stamford, CT.

MC 167194, filed August 1, 1983. Applicant: HENRY J. DIRKSEN, d.b.a. DIRKSEN TRANSPORTATION, 23418 South Wilma Avenue, Ripon, CA 95366. Representative: Fred R. Covington, 2150 Franklin Street 554, Oakland, CA 94612, (415) 893–4102. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S. under continuing contract(s) with Superior Transportation Systems, Inc., of Wilsonville, OR.

MC 169465, filed July 26, 1983. Applicant: STELLAR DISTRIBUTION, INC., 4937 W. Broad St., Columbus, OH 43228. Representative: Earl N. Merwin, 85 E. Gay St., Columbus, OH 43215, (614) 224–3161. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with General Motors Corporation, of Troy, MI.

MC 169555, filed July 28, 1983. Applicant: M & S LEASING INC., 222 W. Palisades Blvd., Palisades Park, NJ 07650. Representative: Daniel Germaine (same address as applicant), (201) 224–5519. Transporting *such merchandise* as is dealt in by department stores, food houses, chain stores and supermarkets, between points in the U.S. (except AK and HI).

MC 169605, filed August 2, 1983. Applicant: JOHN J. GOULD, JR., AND ROBERT C. WIETING, SR., d.b.a. J. B. TRUCKING, 550 N.W. Shane Ct., Sherwood, OR 97140. Representative: John J. Gould, Jr. (same address as applicant), (503) 625–7859. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. under continuing contract(s) with Cascade West Transportation Brokers, of Lake Oswego, OR.

MC 168735, filed June 16, 1983. Previously noticed in the **Federal Register** on July 11, 1983. Applicant: MARK GRIFFIN, d.b.a. GRIFFIN ENTERPRISES, 1432 Ingra St., Anchorage, AK 99501. Representative: Robert C. Holmes, Law Office of Arthur R. Hauver, 750 West Second Ave., Suite 200, Anvhorage, AK 99501, (907) 276–6354. Transporting *transportation equipment*, between points in AK and ports of entry on the International Boundary line between the U.S. and Canada, on the one hand, and, on the other, points in AK,WA, OR, and CA.

Note.—This republication corrects the territorial description.

Volume No. OP3–394

Decided: August 15, 1983.

By the Commission, Review Board Members Fortier, Joyce, and Dowell.

MC 15735 (Sub-87), filed August 1, 1983. Applicant: ALLIED VAN LINES,

INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680, (312) 681–8377. Transporting *household goods, electronic equipment, aircraft parts and exhibits and displays,* between points in the U.S. under continuing contract(s) with Lockheed Corporation and its subsidiaries, of Burbank, CA.

MC 149145 (Sub-7), filed July 27, 1983. Applicant: NATIONAL TRANSPORTATION SYSTEMS, INC., 1315 Directors Row, Suite 10A, Fort Wayne, IN 46808. Representative: Thomas E. Vandenberg, P.O. Box 2545, Green Bay, WI 54306, (414) 498–7689. Transporting (1) *printed matter,* and (2) *pulp, paper and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with persons who are engaged in business as manufacturers, distributors, or dealers of printed matter and pulp, paper and related products.

MC 151394 (Sub-2), filed August 2, 1983. Applicant: BERNHARDT FURNITURE COMPANY, P.O. Box 740, Lenoir, NC 28645. Representative: Terrell Price, 800 Briar Creek Road, Suite DD–504, Charlotte, NC 28205, (704) 372–8212. Transporting *general commodities* (except household goods), between points in the U.S. (except AK and HI), under a continuing contract(s) with R. P. L. Associates, Inc., of Southfield, MI, Diversified Freight, Inc., of Memphis, TN, Spivey Brokers, Inc., of Matthews, NC, and Southern Screw Company, of Statesville, NC.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 151504 (Sub-10), filed July 28, 1983. Applicant: PHELCO, INC., 11842 Missouri Bottom Rd., St. Louis, MO 63042. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102, (314) 421–0845. 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).

Volume No. OP3–396

Decided: August 15, 1983.

By the Commission, Review Board Members Dowell, Fortier, and Carleton.

MC 25954 (Sub-6), filed July 27, 1983. Applicant: CRESSONA TRUCKING COMPANY, Cressona, PA 17929. Representative: Christian V. Graf, 407 No. Front St. Harrisburg, PA 17101, (717) 236–9318. Transporting *commodities in bulk,* between points in PA, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, MS and LA.

MC 29904 (Sub-9), filed July 28, 1983. Applicant: SUDDATH VAN LINES, INC., 5266 Highway Ave., P.O. Box 60069, Jacksonville, FL 32236. Representative: Bud McNaughton (Same address as applicant) (904) 781–7100. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Suddath Transportation Services, Inc., of Jacksonville, FL.

MC 128205 (Sub-113), filed August 1, 1983. Applicant: BULKMATIC TRANSPORT COMPANY, 12000 So. Doty Ave., Chicago, IL 60628 Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., N.W., Suite 500, Washington, D.C. 20006 (202) 828–5015. Transporting *chemicals and related products and rubber and plastic products,* between points in the U.S. (except AK and HI), under continuing contract(s) with persons engaged in business as manufacturers, distributors, dealers or consumers of chemicals and related products and rubber and plastic products.

MC 147874 (Sub-5), filed July 29, 1983. Applicant: ZILK ENTERPRISES, INC., 2807 S. Maple, Brookfield, IL 60513. Representative: James R. Madler, 120 W. Madison St., Suite 1308, Chicago, IL 60602, (312) 485–0332. 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 153634 (Sub-3), filed July 27, 1983. Applicant: LITTLE MONTANA TRANSPORTATION, P.O. Box 3485 704 E. Front St. Bozeman, MT 59715. Representative: Rand E. Little (Same address as applicant) (406) 586–4503. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S., under continuing contract(s) with Amway Corporation, of Kent, WA, Cyprus Industrial Minerals Company, of Englewood, CO, Weather Check Insulation of Arizona, of Phoenix, AZ and Boise Cascade Corporation, of Boise, ID.

MC 165154, filed July 28, 1983. Applicant: WILLIAM WAYNE DAVIS, d.b.a. WAYNE DAVIS TRUCKING, R.R. #1 Box 240, Signourney, IA 52591. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting *chemicals and related products and ores and minerals,* between points in IL, IA, and WI, under continuing contract(s) with International Minerals and Chemical Corp., of Mundelein, IL.

MC 168435, filed July 29, 1983. Applicant: BRADMOR CORP., 273 Forest Dr., Wethersfield, CT 06109. Representative: Paul F. Moran (same address as applicant), (203) 529–9257. Transporting *food and related products, chemicals and related products, machinery and machinery parts and iron and steel storage racks,* between points in ME, NH, VT, MA, RI, CT, NY, and NJ.

MC 169535, filed July 29, 1983. Applicant: OSCAR REYNA, d.b.a. TRANSPORTES LATINOS, 1304 Santa Anita Ave., So. El Monte, CA 91733. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667–8107. Transporting *household goods,* between points in the U.S. (except AK and HI).

MC 169614, filed August 3, 1983. Applicant: HOT-SHOT TRANSPORTATION, INC., Route 1, Box 112, DeQueen, AR 71832. 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 TX, OK, KS, MO, AR, LA, MS, AL, and TN.

MC 169625, filed August 3, 1983. Applicant: NATIONWIDE HAULING, INC., P.O. Box 1864, Morgan City, LA 70381. Representative: C. W. Ferebee, Jr., 3910 FM 1960 W., Suite 106, Houston, TX 77068, (713) 537–8156. 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).

[FR Doc. 83-23064 Filed 8-22-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 12-83]

Privacy Act of 1974; Modified Systems of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to modify certain existing systems of records to include a new routine use.

The systems being amended are entitled "Administrative Files, Justice/USA–001"; "Citizen Complaint Files, Justice/USA–003"; "Civil Case Files, Justice/USA–005"; "Consumer Complaints, Justice/USA–006"; "Criminal Case Files, Justice/USA–007"; Kline-District of Columbia and Maryland-Stock and Land Fraud

Interrelationship Filing System, Justice/USA-009"; "Major Crimes Division Investigative Files, Justice/USA-010"; "Prosecutors Management Information System (PROMIS), Justice/USA-011"; "U.S. Attorney, District of Columbia, Superior Court Division, Criminal Files, Justice/USA-013"; and "Pre-trial Diversion Program Files, Justice/USA-014."

Justice/USA-001, 005, 007, and 014 were last published on February 4, 1983, in **Federal Register** Volume 48, beginning on page 5380. Justice/USA-003 was last published on December 9, 1981, in **Federal Register** volume 46, beginning on page 60351. Justice/USA-006, 009, 010, 011 and 013 were last published on September 30, 1977, in **Federal Register** Volume 42, on page 53407.

These systems are being modified to reflect a new routine use of records in these systems. The new use provides for access to these records by student volunteers working under 5 U.S.C. 3111, and by students working under the college work-study program pursuant to 42 U.S.C. 2751 *et seq.* in the United States Attorneys' offices and the Executive Office for United States Attorneys. The following paragraph will be inserted in each of the above-listed systems of records under the section listing the routine uses.

Records relating to a case or matter may be accessed by volunteer student workers and by students working under a college work-study program as is necessary to enable them to perform their function.

The amended systems are reprinted below in their entirety.

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be given a 30-day period in which to comment. Comments should be addressed to Vincent A. Lobisco, Assistant Director, Administrative Services Staff, Justice Management Division, Department of Justice, Room 6314, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

The remaining unaffected systems are also reprinted below for administrative and public convenience. They are "A.U.S.A. Applicant Files, JUSTICE/USA-002," "Citizen Correspondence Files, JUSTICE/USA-004," "Freedom of Information Act/Privacy Files, JUSTICE/USA-008," "Security Clearance Forms for Grand Jury Reporters, JUSTICE/USA-012," and the "Appendix of United States Attorney Office Locations, JUSTICE/USA-999."

Dated: July 14, 1983.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/USA-001

SYSTEM NAME:

Administrative File.

SYSTEM LOCATION:

Ninety-*four* United States Attorneys' Offices (See attached Appendix); Executive Office for United States Attorneys, U.S. Department of Justice, 10th & Constitution Avenue NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Office Personnel (present and past); (b) Expert professionals whose services are used by the office; (c) Applicants for office positions; (d) Witnesses in Court proceedings; (e) Prisoners-In-Custody; (f) Defendants; (g) Debtors; (h) Vendors; (i) Citizens making inquiries; (j) Members of local and State Bar Associations.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Personnel Files (official/unofficial); (b) Applicant Files; (c) Employee Record cards (SF-7B); (d) Office Rosters; (e) Tickler File System for Promotions; (f) Personnel Address and Telephone Number Lists; (g) Sign In/Out Sheets; (h) Time and Attendance Records (OMF-44); (i) Wage Earnings Statement (DOJ-296); (j) Travel Authorizations and Vouchers (OBD-1 and SF-1012); (k) Advice of Obligations incurred (DJ-60); (l) Telephone Records and Logs; (m) Fiscal Vouchers; (n) Witness Records (LAA-3); (o) Lists of Records at Federal Records Centers; (p) In-House Statistical Reports; (q) Internal Meetings Records; (r) Equal Employment Opportunity (EEO) Records; (s) Employees: Organizations and Unions Records; (t) Federal Woman's Program Records; (u) Address and Telephone Indexes; (v) Lists of State and Local Bar Members; (w) Lists of Expert Professionals; (x) Requests for Expert Witnesses; (y) Teletype Files; (z) Correspondence Files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) In any case in which there is an indication of a violation or potential violation of law or legal obligation, criminal, civil, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law or civil remedy;

(b) In the course of investigating the potential or actual violation of any law, criminal, civil, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, or to any individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(c) A record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive or procedural law or practice;

(d) A record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(f) A record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual

concerned with the maintenance, transportation, or release of such a person;

(h) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(i) A record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

(j) A record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

(k) A record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi;

(l) A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return;

(m) A record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policymaking provisions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.60; and

[n] A record may be accessed by volunteer student workers and students working under a college work-study program, as is necessary to enable them to perform their function.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBER OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

RETRIEVABILITY:

Information is retrieved primarily by name of person, case number, complaint number or court docket number. Information within this system of records may be accessed by various U.S. Attorney's offices and the Executive Office for United States Attorneys by means of catho-ray tube terminals (CRT's).

SAFEGUARDS:

Information in the system is stored in file cabinets in the United States Attorney's offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during non-working hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards. Information that is retrievable by CRT's within various U.S. Attorneys' offices and the Executive Office for United States Attorneys requires user identification numbers which are issued to authorized employees of the Department of Justice.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department of Justice retention plans.

SYSTEM MANAGER(S) AND ADDRESS:

System manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district (See attached Appendix).

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager for the judicial district in which the case or matter is pending (See attached Appendix).

RECORD ACCESS PROCEDURE:

A request for access to a record from this system shall be made in writing with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager (See attached Appendix).

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (See attached Appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include, but are limited to, investigative reports of federal, state and local law enforcement agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; data, memoranda and reports from the Courts and agencies thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and administrative staff of the divisions, offices and bureaus, work product of secretarial and administrative staff within the U.S. Attorneys office and the Executive Office for U.S. Attorneys, from general public referral sources or as provided by members of the public who participate, assist or observe in pending cases or matters, or commercial establishments

which provide goods or services, publications and reports from the Department's other offices, divisions and bureaus and internal U.S. Attorney work product.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/USA—002

SYSTEM NAME:

A U.S.A. Applicant files.

SYSTEM LOCATION:

Executive office for United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants tentatively selected (by nomination of a U.S. Attorney) for the position of Assistant U.S. Attorney.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes the applicants name, status of Bar membership and dates of receipt, status and final determination on the appointment of the applicant. The system is arranged chronologically by date of receipt of file and applicants name.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are kept for administrative convenience pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

All uses are internal within the Department.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The material is stored within manila file folders, within metal file cabinets.

RETRIEVABILITY:

The system is indexed by name, arranged alphabetically.

SAFEGUARDS:

The correspondence is maintained in a room which is occupied by office personnel during the day and locked at night.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department retention plans.

SYSTEM MANAGER(S) AND ADDRESS:

Director; Executive Office of United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name and address as included in the original letter, together with the current address if different, the date of the letter and to whom it was addressed. Requests should be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Any requests for correction should also be directed to the System Manager and should indicate the exact correction required.

RECORD SOURCE CATEGORIES:

Sources of information in this system are the actual letter received, the response and any transmitted information and enclosures.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/USA-003

SYSTEM NAME:

Citizen Complaint Files.

SYSTEM LOCATION:

U.S. Attorney's Office; 3rd & Constitution Avenue, N.W., Washington, D.C. 20001; Executive Office for United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, N.W., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals on home records are maintained in this system may be broadly classified in four categories. (1) Those individuals who have been charged with Federal and D.C. Code violations; (2) those individuals who are currently under investigation for violations of Federal and D.C. Code; (3) those individuals about whom complaints have been made on upon whom investigations were conducted, but no prosecution was initiated; and (4) complainants.

CATEGORIES OF RECORDS IN THE SYSTEM:

A file may consist of a single sheet of paper describing briefly the nature of a complaint and its disposition or it may consist of a more comprehensive file containing the results of a hearing, depending on the complexity or seriousness of the complaint. If the complaint results in criminal charges being prefered, the contents of the file are transferred to the appropriate criminal file system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 28 U.S.C. 547, 23 D.C. Code 101(c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate agency, federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcement or implementing such laws;

(2) In the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trail or

hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual, if there is reason to believe that such agency or individual possesses information relating to the investigation, trail, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(3) Records or extracts thereof relating to case matters or matter may be disseminated to a defendant or his attorney or to the appropriate federal, state, local or foreign court or grand jury in accordance with established constitutional, substantive, or procedural law or practice;

(4) A record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(5) A record relating to a case or matter may be disseminated to a actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(6) A record relating to a case or matter than has been referred for investigation may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made;

(7) A record relating to a person held arraignment, trial or sentence, or after conviction, may be disseminated to a federal, state, local, or foreign prison, probation, parole, bail or pardon authority, or to any agency or individual, concerned with the custody maintenance, transportation, or release of such person;

(8) A record relating to a case or matter may be disseminated to a foreign country pursuant to a international treaty or convention entered into and ratified by the United States;

(9) A record may be disseminated to a federal, state, local, or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

(10) A record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; and

(11) A record may be accessed by volunteer student workers and students working under a college work-study program, as is necessary to enable them to perform their function.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Citizen complaint files are maintained in one of two ways; either on a single sheet which is a record of the complaint and disposition thereof or in complaints which result in further proceedings, a file folder would be established.

RETRIEVABILITY:

Information is retrieved either by the name of a complainant, the name of a person about whom a complaint is registered or by a complaint number. If further proceedings are conducted with respect to a citizen's complaint and the complaint materializes into a criminal action, the file folder will become part of the criminal files and then is retrievable in the same manner as any criminal file is retrieved.

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded and protected by being maintained in files at the Citizens Complaint Center, and the Legal Services section of the Executive Office for United States Attorneys, which is manned at all times when it is open and at other times is locked. More sensitive files that materialize into hearings or require further action by the Misdemeanor Trial Section of the Superior Court Division, or the Executive Office for United States Attorneys, are maintained by the Chief of the Misdemeanor Trial Section in his office in Building B of the Superior Court, or the Assistant Director for Legal Services, Executive Office for United States Attorneys in his safe.

RETENTION AND DISPOSAL:

Files are retained and disposed of in accordance with Title 8, U.S. Attorney's Manual, pages 70–77.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Misdemeanor Trial Section: U.S. Attorney's Office; Superior Court Division; Building B, 4th & E Streets, N.W.; Washington, D.C.; Director; Executive Office for United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, NW.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager.

RECORD ACCESS PROCEDURE:

The major part of these systems are exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the general subject matter of the document or its file number. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

The major parts of these systems are exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating

clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system come primarily from citizens walking into this unit to register complaints. Sources also include but are not limited to investigative reports of federal, state and local law enforcement agencies, forensic reports, statements of witnesses and parties, as well as verbatim transcripts of grand jury proceedings and court proceedings, memoranda and reports from the court and agencies thereof and the work product of Assistant United States Attorneys and legal assistants working on particular cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/USA—004

SYSTEM NAME:

Citizen Correspondence Files.

SYSTEM LOCATION:

Executive Office for United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals who write to the Executive Office for United States Attorneys, its Director or a member of his staff.

(b) Individuals who write to the Attorney General or the Department of Justice and whose letter is referred to the Executive Office of United States Attorneys.

(c) Individuals whose letter has been referred to the Executive Office of United States Attorneys for a response by the White House, Executive Agencies or Members of Congress.

In all of the above categories, the individuals include only those who express general views or seek information or assistance. Freedom of Information requests are not indexed in this system.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes the original correspondence received as well as any response, referral letters or notes concerning the subject of the correspondence and copies of any enclosures. The system is arranged alphabetically by the last name of the original correspondent.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are kept for administrative convenience pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

Information from the responses may be provided to the referror of the original correspondence. All other uses are internal within the Department.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The material is stored within manila file folders, within metal file cabinets.

RETRIEVABILITY:

The system is indexed by name, arranged alphabetically.

SAFEGUARDS:

The correspondence is maintained in a room which is occupied by office personnel during the day and locked at night.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department retention plans.

SYSTEM MANAGER(S) AND ADDRESS:

Director: Executive Office of United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 25030.

NOTIFICATION PRECEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name and address as included in the original letter, together with the current address if different, the date of the letter and to whom it was addressed. Requests should be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Any request for correction should also be directed to the System Manager and should indicate the exact correction required.

RECORD SOURCE CATEGORIES:

Sources of information in this system are the actual letter received, the response and any transmitted information and enclosures.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/USA—005

SYSTEM NAME:

Civil Case Files.

SYSTEM LOCATION:

Ninety-four United States Attorneys' Offices (See attached Appendix), Executive Office for United States Attorneys, U.S. Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals being investigated in anticipation of Civil suits; (b) Individuals involved in Civil suits; (c) Defense Counsel(s); (d) Information sources; (e) Individuals relevant to the development of Civil suits.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) All Civil Case Files (USA–34); (b) Docket Cards (USA–116); (c) Civil Debtor Cards—(USA–117b); (d) Civil Case Activity Card (USA–164); (e) Civil Debtor Activity Card (USA–166); (f) 3 x 5 Index Cards; (g) Caseload Printouts; (h) General Correspondence re: Civil Cases; (i) Reading Files re: Civil Cases; (j) Information Source File; (k) Attorney Assignment sheets; (l) Telephone records; (m) Miscellaneous Investigative files; (n) Lands condemnation files (Appraisal and Negotiator Reports); (o) Tax Case Resource File; (p) Material in Civil File related to Criminal cases arising out of Civil Proceedings; (q) Search Warrants; (r) Files unique to District; (s) Civil Miscellaneous Correspondence File.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) In any case in which there is an indication of a violation or potential violation of law, civil, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, State, local or foreign agency charged with the responsibility of investigating, defending or pursuing such violation, civil claim or remedy, or charged with enforcing, defending or implementing such law;

(b) In the course of investigating the potential or actual violation or civil liability of any government action or law, civil, or regulatory in nature or during the course of a trial or hearing or the preparation for a trial or hearing for such civil action, a record may be disseminated to a Federal, State, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation or civil action trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an agency;

(c) A record relating to a case or matter may be disseminated in an appropriate Federal, State, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

(d) A record relating to a case or matter may be disseminated to a Federal, State, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, or informal discovery proceedings;

(f) A record relating to a case or matter that has been referred by an agency for investigation, civil action, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) A record relating to a case or matter may be disseminating to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(h) A record may be disseminated to a Federal, State, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency or to assist in general civil matters or cases;

(i) A record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of security clearance as is required, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

(j) A record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of types or courses of action or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi;

(k) A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in general crime prevention, the pursuit of general civil, regulatory or administrative civil actions or to provide investigative leads to such country, or assist in the location and/or returning of witnesses and other evidence;

(l) A record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making provisions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.60;

(m) A record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him in the institution or maintenance of a suit brought under such title; and

(n) A record may be accessed by volunteer student workers and students working under a college work-study program, as is necessary to enable them to perform their function.

Release of Information to the News Media:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of this record.

Release of Information to National Archives and Records Service:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System:

Storage:

All information, except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored

within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

Retrievability:

Information is retrieved primarily by name of person, case number, complaint number or court docket number. Information within this system of records may be accessed by various U.S. Attorneys' offices, and the Executive Office for United States Attorneys by means of cathode-ray tube terminals (CRT's).

Safeguards:

Information in the system is both confidential and nonconfidential and located in file cabinets in the United States Attorney offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during nonworking hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards. Information that is retrievable by CRT's within various U.S. Attorney's offices and the Excecutive Office for United States Attorneys requires user identification numbers which are issued to authorized employees of the Department of Justice.

Retention and Disposal:

Records are maintained and disposed of in accordance with Department of Justice retention plans.

System Manager(s) and Address:

System Manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district. (See attached appendix.)

Notification Procedure:

Address inquiries to the System Manager for the judicial district in which the case or matter is pending. (See attached appendix.)

Record Access Procedures:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to examination shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager. (See attached appendix.)

CONTESTING RECORD PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552(a)(j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (see attached appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include, but are not limited to investigative reports of Federal, State, and local law enforcement, civil litigation, regulatory and administrative agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; verbatim transcripts of deposition and court proceedings; date, memoranda and reports from the court and agencies thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and staff, and legal assistants working on particular cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in the **Federal Register.**

JUSTICE/USA—006

SYSTEM LOCATION:

Consumer Complaints.

U.S. Attorney's Office: 3rd & Consitution Avenue, N.W.; Washington, D.C. 20001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals on whom records are maintained in this system may be broadly classified in four categories: (1) Those individuals who have been charged with Federal and D.C. Code violations; (2) Those individuals who are currently under investigation for violations of Federal and D.C. Code;(3) Those individuals upon whom investigations were conducted, but no prosecution was initiated; and (4) Complainants.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contained allegations of consumer fraud by citizens of the District of Columba Metropolitan area. It includes names, addresses, and the substance of the complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.28 U.S.C. 547,23 D.C. Code 101(c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate agency, federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charges with enforcing or implementing such law;

(2) In the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual, if there is reason to believe that such agency or individual possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(3) Records of extracts thereof relating to a case or matter may be disseminated to a defendant or his attorney or to the appropriate federal, state, local, or foreign, court or grand jury in accordance with established

constitutional, substantive, or procedural law or practice;

(4) A record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(5) A record relating to a case or matter may be disseminated to an acutal or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(6) A record relating to a case or matter that has been referred for investigation may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made;

(7) A record relating to person held pending arraignment, trial or sentence, or after conviction, may be disseminated to a federal, state, local or foreign prison, probation parole, bail or pardon authority, or to any agency or individual concerned with the custody maintenance, transportation, or release of such a person;

(8) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty of convention entered into or ratified by the United States;

(9) A record may be disseminated to federal, state, local, or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

(10) A record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; and

(11) A record may be accessed by volunteer student workers and students working under a college work-study program, as is necessary to enable them to perform their function.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in this system is stored in the Fraud Section of the U.S. Attorney's Office.

RETRIEVABILITY:

Information is retrieved via a cross-index by complainant and potential defendant.

SAFEGUARDS:

Information contained in this system is unclassified. It is protected in accordance with Departmental rules and is safeguarded in the U.S. Attorney's Office in the Fraud Section.

RETENTION AND DISPOSAL:

The records are stored for a period of at least the statute of limitations for the offense charged.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Fraud Division, U.S. Attorney's Office; U.S. District Court, 3rd & Constitution Avenue, NW., Washington, D.C. 20001.

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager.

RECORD ACCESS PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the reguest the general subject matter of the document or its file number. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The sources of information contained in this system are complaints referred to the U.S. Attorney's Office by citizens and consumer protection agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/USA—007

SYSTEM NAME:

Criminal Case Files.

SYSTEM LOCATIONS:

Ninety-*four* United States Attorneys' Offices (See attached Appendix); Executive Office for United States Attorneys; U.S. Department of Justice; 10th & Constitutions Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals charged with violations; (b) Individuals being investigated for violations; (c) Defense Counsel(s); (d) Information Sources; (e) Individuals relevant to development of Criminal Cases; (f) Individuals investigated, but prosecution declined; (g) Individuals referred to in potential or actual cases and matters of concern to a

U.S. Attorney's Office; (h) Individuals placed into the Department's Pretrial Diversion program.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) All case files (USA–33); (b) Docket Cards (USA–115); (c) Criminal Debtor Cards (USA–117a); (d) Criminal Case Activity Card (USA–163); (e) Criminal Debtor Activity Card (USA–164); (f) 3' x 5' Index Cards; (g) Caseload Printouts; (h) Attorney Assignment Sheets; (i) General Correspondence re: Criminal Cases; (j) Reading Files re: Criminal Cases; (k) Grand Jury Proceedings; (l) Miscellaneous Investigative Reports; (m) Information Source Files; (n) Parole Recommendations; (o) Immunity Requests; (p) Witness Protection Files; (q) Wiretap Authorizations; (r) Search Warrants; (s) Telephone records; (t) Criminal Complaints; (u) Sealed Indictment Records; (v) Files unique to a District; (w) Criminal Miscellaneous Correspondence File; (x) Prosecution Declined Reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PRUPOSES OF SUCH USES:

A recorfd maintained in this sytem of records may be disseminated as a routine use of such record as follows:

(a) In any case in which there is an indication of a violation or potential violation of law, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

(b) In the course of investigating the potential or actual violation of any law, criminal, civil, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(c) A record relating to a case or matter may be disseminated in an appropriate Federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

(d) A record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(f) A record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a Federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person;

(h) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(i) A record may be disseminated to a Federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

(j) A record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of any employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

(k) A record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi: Provided That the record does not contain any information identifiable to a specific individual other than such modus operandi;

(l) A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return;

(m) A record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making provisions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.60;

(n) A record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him in the institution or maintenance of a suit brought under such title;

(o) Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy;

(p) Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552 may be made available to a Member of Congress or staff acting upon the Members's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record;

(q) Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 290.4 and 2906; and

(r) A record may be accessed by volunteer student workers and students working under a college work-study program, as is necessary to enable them to perform their function.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

RETRIEVABILITY:

Information is retrieved primarily by name of person, case number, complaint number of court docket number. Information within this system of records may be accessed by various U.S. Attorney's offices and the Executive Office for United States Attorneys by means of catho-ray tube terminals (CRT's).

SAFEGUARDS:

Information in the system is both confidential and non-confidential and located in file cabinets in the United States Attorney offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during non-working hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards. Information that is retrievable by CRT's within verious U.S. Attorneys' offices and the Executive Office for United States Attorneys requires user identification numbers which are issued to authorized employees of the Department of Justice.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department of Justice retention plans.

SYSTEM MANAGER(S) AND ADDRESS:

System manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district (See attached Appendix).

NOTIFICATION PROCEDURE:

Address inquires to the System Manager for the judicial district in which the case or matter is pending (See attached Appendix).

RECORD ACCESS PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a(j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager (See attached Appendix).

CONTESTING RECORD PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (See attached Appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include, but are not limited to investigative reports of federal, state and local law enforcement agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; verbatim transcripts of Grand Jury and court procedings; data, memoranda and reports from the Court and agencies thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and staff, and legal assistants working on particular cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/USA-008

SYSTEM NAME:

Freedom of Information Act/Privacy Act Files.

SYSTEM LOCATION:

Executive Office for United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, NW., Washington, D.C. 20530; Ninety-four United States Attorney's Offices (see attached Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals who write to the Executive Office for United States Attorneys, its Director or a member of his staff, or a U.S. Attorney's office.

(b) Individuals who write to the Attorney General or the Department of Justice or the FOI/PA Unit and whose letter is referred to the Executive Office for United States Attorneys.

(c) Individuals whose letter has been referred to the Executive Office for United States Attorneys for a response by the FOI/PA Unit or Appeals Unit.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes the original correspondence received as well as any response, referral letters or notes concerning the subject of the request and copies of any enclosures. The system is arranged alphabetically by the last name of the original requester.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are kept for administrative convenience pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101 and the provisions of the Freedom of Information Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from the responses may be provided to the referrer or the original request of the requester. All other uses are internal within the Department.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The material is stored within manila file folders, within metal file cabinets.

RETRIEVABILITY:

The system is indexed by name, arranged alphabetically.

SAFEGUARDS:

The correspondence is maintained in a room which is occupied by office personnel during the day and locked at night.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department retention plans.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Executive Office for United States Attorneys; U.S. Department of Justice; 10th & Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager listed above.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Freedom of Information" or "Privacy Access Request." Include in the request the name and address as included in the original letter, together with the current address if different, the date of the letter and to whom it was addressed. Requests should be directed to the system manager listed above.

CONTESTING RECORD PROCEDURES:

Any requests for correction should also be directed to the System Manager and should indicate the exact correction required.

RECORD SOURCE CATEGORIES:

Sources of information in this system are the actual letter received, the response and any transmitted information and enclosures.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Records secured from other systems of records have been exempted from the provisions of the Privacy Act to the same extent as the systems of records from which they were obtained. The Attorney General has also exempted certain categories of records in this system from subsection (c)(3), (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c), and (e) and have been published in the Federal Register.

JUSTICE/USA-009

SYSTEM NAME:

Kline—District of Columbia and Maryland—Stock and Land Fraud Interrelationship Filing System.

SYSTEM LOCATION:

U.S. Attorney's Office; 3rd & Constitution Avenue, NW.; Washington, D.C. 20001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals on whom records and maintained in this system may be broadly classified in three categories: (1) Those individuals who have been charged with Federal and D.C. Code violations; (2) Those individuals who are currently under investigation for violations of Federal and D.C. Code; (3) Those individuals upon whom investigations were conducted, but no prosecution was initiated. These include but are not limited to possible witnesses, corporate entities, corporate employees, business contacts, financial institutions and governmental contacts.

CATGORIES OF RECORDS IN THE SYSTEM:

The system contains an index record for individual names and types of transactions with named individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 28 U.S.C. 547, 23 D.C. Code 101(c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate agency, federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law;

(2) In the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual, if there is reason to believe that such agency or individual possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(3) Records or extracts thereof relating to a case or matter may be disseminated to a defendant or his attorney or to the appropriate federal, state, local, or foreign, court or grand jury in accordance with established constitutional, substantive, or procedural law or practice;

(4) A record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(5) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(6) A record relating to a case or matter that has been referred for investigation may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made;

(7) A record relating to a person held pending arraignment, trial or sentence, or after conviction, may be disseminated to a federal, state, local, or foreign prison, probation, parole, bail or pardon authority, or to any agency or individual concerned with the custody maintenance, transportation, or release of such a person;

(8) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States;

(9) A record may be disseminated to a federal, state, local, or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency, or to provide investigative leads to such agency;

(10) A record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; and

(11) A record may be accessed by volunteer student workers and students working under a college work-study program, as is necessary to enable them to perform their function.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of informtion to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the system is stored electronically in the Department of Justice Juris System.

RETRIEVABILITY:

Information is retrieved primarily by referencing the individuals' names who participated in the business transactions.

SAFEGUARDS:

Information contained in this system is protected as though it was classified as confidential. It is accessible only to holders of the entry code; the only holders of the code are the U.S. Attorney's Offices for the District of Columbia and Maryland.

RETENTION AND DISPOSAL:

The records are to be retained for the period of usefulness as determined by the U.S. Attorney's Office.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Fraud Division; U.S. Attorney's Office; U.S. District Court; 3rd & Constitution Avenue, NW.; Washington, D.C. 20001.

NOTIFICATION PROCEDURE:

All inquiries should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the general subject matter of the document or its file number. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1), and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are individuals who have cooperated with the U.S. Attorney's Office in the investigation of criminal activity.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), and (H), (e)(5), and (8), (f), (g), and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2), and (k) (1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in the Federal Register.

JUSTICE/USA—010

SYSTEM NAME:

Major Crimes Division Investigative Files.

SYSTEM LOCATION:

U.S. Attorney's Office; 3rd & Constitution Avenue, N.W.; Washington, D.C. 2001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals on whom records are maintained in the Major Crimes Division Investigative Files may be broadly classified in four categories: (1) Those individuals who have been charged with Federal and D.C. Code violations; (2) those individuals who are currently under investigation for violations of Federal and D.C. Code; (3) those individuals upon whom investigations were conducted, but no prosecution was initiated; and (4) other informants.

CATEGORIES OF RECORDS IN THE SYSTEM:

In addition to the standard files maintained in accordance with the U.S. Attorney's Manual and the Department of Justice Docket and Reporting System, there are also maintained in the Major Crimes Division of this office certain investigative and intelligence files. The type of information maintained is identifying data, criminal records, intelligence compiled for the purpose of investigation of criminal offenses, criminal investigative reports, informant debriefing summaries, and information provided in confidence during investigative and prosecutive states of criminal cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 28 U.S.C. 547.23 D.C. Code 101(c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(1) In any case in which there is an indication of a violation or potential

violation of law, whether civil, criminal or regulatory in nature, the record in question may be disseminated to the appropriate agency, federal, state local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law;

(2) In the course of investigating the potential or actual violation of any law, whether civil, criminal or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual, if there is reason to believe that such agency or individual possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(3) Records or extracts thereof relating to a case or matter may be disseminated to a defendant or his attorney or to the appropriate federal, state, local, or foreign, court or grand jury in accordance with established constitutional, substantive, or procedural law or practice;

(4) A record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(5) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(6) A record relating to a case or matter that has been referred for investigation may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made;

(7) A record relating to a person held pending arraignment, trial or sentence, or after conviction, may be disseminated to a federal, state, local, or foreign prison, probation, parole, bail or pardon authority, or to any agency or individual concerned with the custody maintenance, transportation, or release of such a person;

(8) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States;

(9) A record may be disseminated to a federal state, local, or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

(10) A record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; and

(11) A record may be accessed by volunteer student workers and students working under a college work-study program, as is necessary to enable them to perform their function.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information is maintained in memorandum form in file folders.

RETRIEVABILITY:

Information is retrieved primarily by the name of a person, complaint number, court docket number, FBI number, Metropolitan Police Department identification number and District of Columbia Department of Corrections number.

SAFEGUARDS:

Information contained in the system is both unclassified and classified and is safeguarded and protected by being maintained in tumbler locked file safes in the Major Crimes Division which is manned during all times that it is open and at other times is locked. This room is located in the U.S. Courthouse which is guarded by the Federal Protective Service twenty four hours a day with roving patrols during non-working hours.

RETENTION AND DISPOSAL:

Files are retained and disposed of in accordance with Title 8, U.S. Attorney's Manual, pages 70–77.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Major Crimes Division; U.S. Attorney's Office; U.S. District Court; 3rd & Constitution Avenue, N.W., Room 4400; Washington D.C. 20001.

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager.

RECORD ACCESS PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the general subject matter of the document or its file number. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are investigative reports of federal, state and local law enforcement agencies, statement of witnesses, informants and parties, as well as verbatim transcripts of grand jury proceedings and court proceedings, memoranda and reports from the court and agencies thereof and the work product of Assistant United States Attorneys and legal assistants working on particular cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/USA—011

SYSTEM NAME:

Prosecutor's Management Information System (PROMIS).

SYSTEM LOCATION:

U.S. Attorney's Office: 3rd & Constitution Avenue, NW., Washington, D.C. 20001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals on whom records are maintained in PROMIS are as follows: (1) Those individuals who have been charged with criminal violations: (2) those individuals who are currently under investigation for criminal violations: (3) those individuals upon whom criminal investigations were conducted, but no prosecution was initiated; and (4) the names and addresses of all witnesses and arresting police officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

The data in PROMIS fall into six major categories.

1. Information about the accused or defendant. This includes name, alias, sex, race, date of birth, address, facts about prior arrest and convictions, and employment status. If judged appropriate, additional data could be added, such as information about alcohol or drug abuse. Some of this information is used to rate the gravity of the case in terms of the defendant's criminal history.

2. Information about the crime. The date, time, and place of the crime; the number of persons involved in the crime; and a numerical rating reflecting the gravity of the crime in terms of the amount and degree of personal injury, property damage or loss, and intimidation.

3. Information about the arrest. The date, time, and place of the arrest, the type of arrest, and idenity of the arresting officers.

4. Information about criminal charges. The charges originally placed by the police against the arrestee the charges actually filed in court against the defendant, the reasons for changes in the charges by the prosecutor, the penal statue for the charge, the FBI Uniform Crime Report Code for the charge, and the Project SEARCH Code for the charge.

5. Information about court events. The dates of every court event in a case from arraignment through motion hearing, continuance hearing, final disposition, and sentencing; the names of the principals involved in each event, including the defense and prosecution attorneys and judge; the outcomes of the events and the reasons therefor.

6. Information about witnesses. The names and addresses of all witnesses, the prosecutor's assessment of whether the witnesses are essential to the case, and any indications of reluctance to testify by the wintesses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 28 U.S.C. 547, 23 D.C. Code 101(c).

ROUTINE USES OF RECORDS MAINTTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate agency federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law;

(2) In the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual, if there is reason to believe that such agency or individual possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(3) Records or extracts thereof relating to a case or matter may be disseminated to a defendant or his attorney or to the appropriate federal, state, local, or foreign, court or grand jury in accordance whith established constitutional, substative, or procedural law or practice;

(4) A record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(5) A record relating to case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings, or to the Public Defender Service in connection with caseload management of other purposes;

(6) A record relating to a case or matter that has been referred for investigation may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made or to assist in eliciting additional information;

(7) A record relating to a person held pending arraignment, trial or sentence, or after conviction, may be disseminated to a federal, state, local, or foreign prison, probation, parole, bail or pardon authority, or to any agency or individual concerned with the custody maintenance, transportation, or release of such a person;

(8) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States;

(9) A record may be disseminated to a federal, state, local, or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

(10) A record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; and

(11) A record may be acccessed by volunteer student workers and students

working under a college work-study program, as is necessary to enable them to perform their function.

Because PROMIS is an automated information system, this office utilizes it to track the workload of the criminal court process from three separate vantage points. First, the workload is tracked from the vantage point of the crime or criminal incident. This is accomplished by including in PROMIS the complaint number which the police department assigns to a reported crime. With this number, prosecutors can follow the full history of the court actions arising from the crime even though those actions may involve multiple defendants, multiple cases, and multiple trials and dispositions.

Second, PROMIS tracks the court workload from the vantage point of the accused or defendant. This is achieved by incorporating in PROMIS the fingerprint-based number the police department assigns to the individual following his or her arrest. This identification number is used again by the department if the same individual is subsequently arrested. Through this number, prosecuting attorneys accumulate criminal history files on offenders and note incidents of recidivism.

Finally, PROMIS tracks from the vantage point of the court proceedings. This is accomplished by including in PROMIS the docket number the Court assigns to the case pending before it. With this number, prosecutors trace the history of any formal criminal action from arraignment through final disposition and sentencing, and account for the separate fate of each count or charge.

The inclusion of these three numbers is significannt. The numbers provide a capability to track the criminal incident, the defendant, or the court actions and provide the basis for the routine communication among the various Federal, state, local, and foreign law enforcement agencies.

In addition, PROMIS generates, on a recurring basis, five categories of reports: Misdemeanor calendars, felony calendars, case status reports, workload reports, and special reports. These reports are prepared from information contained in the data base both by persons employed by this office, the Justice Department and persons under contract to the Department for this purpose.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of the particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored on magnetic tapes and discs at the District of Columbia Metropolitan Police Department Computer Center. Printouts from the terminals are stored with case jackets. Status, calendars, and statistical reports are stored in the files and offices of supervisory attorneys.

RETRIEVABILITY:

This system has an on-line data retrieval capability with respect to certain information continued in the data base. These subsets of information are retrieved on data display terminals which are located at various work stations throughout the office. Certain of these terminals have a printout capability. All information on these subsets is a matter of public record. The system also has the capability for the production of periodic reports. Both the periodic reports and the on-line displays are utilized in accordance with the above listed routine uses.

SAFEGUARDS:

The magnetic tapes and discs are maintained in a secure vault at the Metropolitan Police Department Computer Center. In addition to the physical security safeguards, there is a twenty-four hour patrol. The data display terminals are located in semi-public areas of the office (i.e., administrative work stations through which the public must pass on official business). However, only trained operators may retrieve the information, which is of public record. The terminals are not open to the public after working hours.

RETENTION AND DISPOSAL:

The files are retained and disposed of in accordance with Title 8, U.S. Attorney's Manual, pages 70–77.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Assistant; United States Attorney; U.S. District Court; 3rd & Constitution Avenue, NW.; Room 3602–A; Washington, D.C. 2001.

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager.

RECORD ACCESS PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (j)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the general subject matter of the document or its file number. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

About 80 percent of the data contained in PROMIS is obtained at the intake and screening stage as the by-product of the case documentation process. Carbon copies of various forms completed immediately before or during the case screening stage serve as input documents for PROMIS.

As a case moves through the subsequent proceedings, additional

information about its status is fed to PROMIS. This is achieved through turnaround documents—forms generated by PROMIS in advance of a court event-on which the results of a given proceeding (e.g., preliminary hearing, sentencing, etc.) are recorded and then entered in PROMIS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e) (4) (G) and (H), (e) (5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k) (1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/USA—012

SYSTEM NAME:

Security Clearance Forms for Grand Jury Reports.

SYSTEM LOCATION:

Ninety-four United States Attorney's Office (See attached Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Proposed Grand Jury Reporters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Request for security clearance of grand jury reporter(s) employed by the reporting firm under contract with the Justice Department; carbon copy of "PERSONNEL INFORMATION SHEET—Grand Jury Reporting" on which is listed name of proposed grand jury reporter, home address, date and place of birth, and present business affiliatin; and clearance or denial of clearance for the proposed reported from the Department of Justice.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

All uses of this information are internal within the Department of Justice.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBERS OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member or Congress or staff acting upon the Member's behalf when the Member of staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Security clearance forms are kept alphabetically in file cabinets in the Administrative Office.

RETRIEVABILITY:

Security clearance forms on grand jury reports are retrievable from an alphabetical filing system.

SAFEGUARDS:

Security clearance forms are maintained in the Adminstrative Division in the District Court Building which is manned at all times during working hours and at other times is locked.

RETENTION AND DISPOSAL:

Security clearance forms are maintained for five years, at which time they must be renewed. Upon receipt of renewed security clearance, old forms are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Ninety-four United States Attorneys Offices (See attached Appendix).

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the general subject matter of the document. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The source of the information contained in these files are the reporter's request for security clearance personnel information sheet and the clearance or denial of clearance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/USA—013

SYSTEM NAME:

U.S. Attorney, District of Columbia Superior Court Division, Criminal Files, including but not limited to the following subsystems: (a) Criminal File Folder (USA–S1), (b) Criminal File Folder (USA–33), (c) Criminal Docket Card (USA–T7), and (d) Index.

SYSTEM LOCATION:

U.S. Attorney's Office; 3rd & Constitution Avenue, N.W.; Washington, D.C. 20001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals on whom records are maintained may be broadly classified in three categories (1) Those individuals who have been charged with criminal violations. (2) those individuals who are currently under investigation for criminal violations; and (3) those individuals upon whom criminal investigations were conducted, but no prosecution was initiated.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records, consisting of numbered Criminal File Folders, (USA–S1 and USA–33), contains criminal investigative reports about named individuals submitted to this office by federal state, local and foreign law enforcement agencies involved with the investigation of suspected violations as well as by complaints made by private parties. Those matters which become cases either by way of indictment or information in addition to the data contained in the investigative reports, also contain copies of indictments, informations, complaints, and all pleadings submitted to the court in

connection with the actual prosecution of the case. These files also contain communications between the Court and agencies thereof, and the United States Attorney, and all correspondence relative to the case or matter. The files further contain psychiatric, chemical and other forensic reports, documentary evidence and the work product and internal memoranda of the Assistant United States Attorney in charge of the investigation compiled in preparation for the prosecution of each case. In those cases which have gone through trial and appeal, the file would further reflect transcripts of the trial, all pleadings and correspondence between the attorneys and the Court of Appeals, and copies of briefs submitted in the prosecution of the Appeal.

A synopis record of a matter or case is maintained by means of a criminal docket card (USA–T7), for all actions through sentencing. A synopsis record of a case on appeal is maintained on an Appellate Docket Card (USA–9X–199), Appellate Proceedings). All of these subsystems comprise an internal cross-reference record keeping system of the criminal business at the office. Through the medium of forms and on-line data input, certain of this information is conveyed to a computer center for inclusion in the Prosecutor's Management Information System (a system which will be reported on separately), from which status and statistical reports are issued and distributed back to this office either in the form of computer printouts or on data display terminals which contain much of the same information as the files in different format.

Because of the number of diverse functions which must be performed with respect to each case; and because of the large volume of cases and because operations are conducted in three separate buildings, there are a number of file folder locator mechanisms and cross references utilized to constantly track a file folder when it is not physically located in file control. These indexes or locators are maintained in the form of 'out cards,' log books, index card files, etc. They are referenced by name, number, and other identifiers. In themselves, they are not separate systems of records, but indexes or references to the primary system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate agency, federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law;

(2) In the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual, if there is reason to believe that such agency or individual possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(3) Records or extracts thereof relating to a case or matter may be disseminated to a defendant or his attorney or to the appropriate federal, state, local, or foreign, court or grand jury in accordance with established constitutional, substantive, or procedural law or practice;

(4) A record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(5) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(6) A record relating to a case or matter that has been referred for investigation may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made or to assist in eliciting additional information;

(7) A record relating to a person held pending arraignment, trial or sentence, or after conviction, may be disseminated to a federal, state, local, or foreign prison, probation, parole, bail or pardon authority, or to any agency or individual concerned with the custody maintenance, transportation or release of such a person;

(8) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States;

(9) A record may be disseminated to a federal, state, local, or foreign law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

(10) A record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; and

(11) A record may be assessed by volunteer student workers and students working under a college work-study program, as is necessary to enable them to perform their function.

Release of information to the news media: Information permitted to be release to the news media and the public pursuant to 28 CFR 50.2 may be made available for systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archieves and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information in the various indexes is maintained on index cards.

log books, out cards, etc. The criminal files themselves are maintained in criminal file folders (USA–S1 and USA–33). The synopsis information is maintained on a Criminal Docket Card (USA–T7) and Appellate Proceedings (USA–9X–199).

RETRIEVABILITY:

Information is retrieved primarily by the name of a person, complaint number, court docket number, FBI number, Metropolitan Police Department indentification number and District of Columbia Department of Corrections number.

SAFEGUARDS:

Information contained in the system is both unclassified and classified and is safeguarded and protected by being maintained in filerooms which are manned during all times that they are open and at other times are locked. These rooms are located in the Superior Court for the District of Columbia, Buildings B and G which are guarded by the federal protective service twenty four hours a day with roving patrols during non-working hours. Files which are not in the filerooms but which are checked out to attorneys are maintained in locked offices after working hours.

RETENTION AND DISPOSAL:

The files are retained and disposed of in accordance with Title 8, U.S. Attorney's Manual, pages 70–77.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer; U.S. Attorney's Office; Superior Court Division; Room 108, Building B; 4th & F Street, NW.; Washington, D.C. 20001.

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager.

RECORD ACCESS PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the general subject matter of the document or its file number. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include but are not limited to investigative reports of federal, state and local law enforcement agencies, forensic reports, statements of witnesses and parties, as well as verbatim transcripts of grand jury proceedings and court proceedings, memoranda and reports from the court and agencies thereof and work product of Assistant United States Attorney and legal assistants working on particular cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f), (g), and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k) (1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 533 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/USA–014

SYSTEM NAME:

Pre-Trial Diversion Program Files.

SYSTEM LOCATION:

Ninety-four United States Attorneys' Offices [See attached Appendix].

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals referred to in potential or actual pre-trial diversion cases.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) USA Form 184—Referral letter to Probation Service; (b) USA Form 185—Letter to defendant; (c) USA Form 186—Agreement for Pre-Trial Diversion; (d) USA Form 187—Pre-Trial Diversion Report Form; (e) USA Form 188—Certification of Completion of Program; (f) USA Form 189—Defendant Application Form; (g) Telephone Records; (h) Miscellaneous Correspondence; and (i) Files Unique to a District.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 5 U.S.A. 301 and 44 USC 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) In any case in which there is an indication of a violation or potential violation of law criminal or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

(b) In the course of investigating the potential or actual violation of any law, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(c) A record relating to a case or matter may be disseminated in an appropriate Federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

(d) A record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) A record relating to a case or matter be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(f) A record relating to a case or matter that has been referred by an agency for investigation prosecution or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status

of the case or matter of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a Federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person;

(h) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(i) A record may be disseminated to a Federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigation leads to such agency;

(j) A record may be disseminated to a Federal agency, in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

(k) A record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or information, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual;

(l) A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return.

(m) A record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.60; and

(n) A record may be accessed by volunteer student workers and students working under a college work-study program, as is necessary to enable them to perform their function.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM

STORAGE:

All information, except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

RETRIEVABILITY:

Information is retrieved by the name of the person, case number or complaint number.

SAFEGUARDS:

Information in the system is both confidential and nonconfidential and located in file cabinets in the United States Attorney offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during nonworking hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department of Justice retention plans.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district. (See attached Appendix.)

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager for the judicial district in which the diversion application or approval was made. (See attached Appendix.)

RECORD ACCESS PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requester shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager. (See attached Appendix.)

CONTESTING RECORD PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (see attached Appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include, but are not limited to investigative reports of Federal, state and local law enforcement agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; verbatim transcripts of Grand Jury and court proceedings; data; memoranda and reports from the Court and agencies thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and staff, and legal assistants working on particular cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f), (g) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k) (1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and

(e) and have been published in the Federal Register.

JUSTICE/USA-999

SYSTEM NAME:

Appendix of United States Attorney Office locations:

Alabama, N
200 Federal Building
1800 Fifth Avenue North
Birmingham, Alabama 35203
Alabama, M
P.O. Box 197
Montgomery, Alabama 36101
Alabama, S
P.O. Drawer E
Mobile, Alabama 36601
Alaska
Fed. Bldg. & U.S. Courthouse
Rm. C-252, Mail Box 9
701 C Street
Anchorage, Alaska 99513
Arizona
4000 U.S. Courthouse
230 North First Avenue
Phoenix, Arizona 85025
Arkansas, E
P.O. Box 1229
Little Rock, Arkansas 72203
Arkansas, W
P.O. Box 1524
Fort Smith, Arkansas 72901
California, N
450 Golden Gate Avenue
San Francisco, Calif. 94102
California, E
3305 Federal Bldg.
650 Capitol Mall
Sacramento, Calif. 95814
California, C
312 N. Spring St.
Los Angeles, Calif. 90012
California, S
940 Front Street
Rm. 5-N-19
U.S. Courthouse
San Diego, Calif. 92189
Colorado
Suite 1200—Drawer 3615
Federal Office Bldg.
Denver, Colorado 80294
Connecticut
P.O. Box 1824
New Haven, Conn. 06508
Delaware
J. Caleb Boggs Fed. Bldg.
844 King Street
Wilmington, Del. 19801
D.C.
Room 2800, U.S. Court House
3rd & Constitution Ave., NW.
Washington, D.C. 20001
Florida, N
P.O. Box 12313
Pensacola, Florida 32501
Florida, M
501 Fed. Bldg.
80 N. Hughey Avenue
Orlando, Fla. 32801
Florida, S
155 South Miami Ave.
Miami, Florida 33130
Georgia, N
Ste. 1800, Richard Russell Building
75 Spring St., S.W.
Atlanta, GA 30335
Georgia, M
P.O. Box U
Macon, Georgia 31202
Georgia, S
P.O. Box 8999
Augusta, GA 30903
Guam
Suite 502-A, PDN Bldg.
238 O'Hara Street
Agana, Guam 96910
Hawaii
Rm. C-242 PJKK Fed. Bldg.
Box 50183
300 Ala Moana Blvd.
Honolulu, Hawaii 96850
Idaho
Rm. 693 Federal Bldg.
Box 037, 550 W. Fort St.
Boise, Idaho 83702
Illinois, N
Everett McKinley Dirksen Bldg.
219 S. Dearborn St.
Room 1500 South
Chicago, Illinois 60604
Illinois, S
Rm. 330
750 Missouri Avenue
East St. Louis, Ill. 62202
Illinois, C
Post Office Box 375
Springfield, Ill. 62705
Indiana, N
Rm. 332, U.S.P.O. & Cthse.
204 S. Main Street
South Bend, Ind. 46601
Indiana, S
274 U.S. Cthse.
46 E. Ohio St.
Indianapolis, Ind. 46204
Iowa, N
P.O. Box 4710
Cedar Rapids, Iowa 52407
Iowa, S
122 U.S. Cthse.
E. 1st & Walnut Streets
Des Moines, Iowa 50309
Kansas
P.O. Box 2093
444 Quincy Street
Topeka, Kansas 66683
Kentucky, E
P.O. Box 1490
Lexington, Kentucky 40501
Kentucky, W
Rm. 211, U.S.P.O. & Cthse.
601 West Broadway
Louisville, Kentucky 40202
Louisiana, E
Hale Boggs Fed. Bldg.
500 Camp Street
New Orleans, LA 70130
Louisiana, M
352 Florida Street
Baton Rouge, LA 70801
Louisiana, W
Rm. 3B12, Fed. Bldg.
Shreveport, LA 71161
Maine
P.O. Box 1588
Portland, Maine 04104
Maryland
8th Floor, U.S. Cthse.
101 W. Lombard Street
Baltimore, MD 21201
Massachusetts
1107 John W. McCormack
P.O. & Court House
Boston, Mass. 02109
Michigan, E
817 Federal Building
231 Lafayette
Detroit, Michigan 48226
Michigan, W
399 Federal Bldg. & U.S. Court House
110 Michigan Ave., N.W.
Grand Rapids, Michigan 49502
Minnesota
596 U.S. Court House
110 S. 4th Street
Minneapolis, Minn. 55401
Mississippi, N
P.O. Drawer 886
Oxford, Miss. 38655
Mississippi, S
P.O. Box 2091
Jackson, Miss. 39205
Missouri, E
Rm. 414, U.S. Court & Custom House
1114 Market Street
St. Louis, Mo. 63101
Missouri, W
549 U.S. Court House
811 Grand Avenue
Kansas City, Missouri 64106
Montana
173 Fed. Bldg.
400 N. Main
Butte, Montana 59701
Nebraska
P.O. Box 1228
Omaha, Nebraska 68101
Nevada
Box 16030
Las Vegas, Nevada 89101
New Hampshire
Federal Building
Concord, New Hampshire 03301
New Jersey
Federal Building
970 Broad Street, Rm. 502
Newark, NJ 07102
New Mexico
P.O. Box 607
Albuquerque, N. Mex. 87105
New York, N
P.O. Box 1258
Federal Bldg.,
Syracuse, N.Y. 13201
New York, S
One St. Andrew's Plaza
New York, N.Y. 10007
New York, E
U.S. Court House
225 Cadman Plaza East
Brooklyn, N.Y. 11201
New York, W
502 U.S. Court House
Buffalo, N.Y. 14202
N. Carolina, E
P.O. Box 26897
Raleigh, N.C. 27611
N. Carolina, M
P.O. Box 1858
Greensboro, N.C. 27402
N. Carolina, W
P.O. Box 132
Asheville, N.C. 28802
N. Dakota
P.O. Box 2505
Fargo, N.D. 58102

Ohio, N
Suite 500
1404 East Ninth Street
Cleveland, Ohio 44114
Ohio, S
220 U.S.P.O. & Cthse.
Cincinnati, Ohio 45202
Oklahoma, N
Rm. 460, U.S. Court House
333 West Fourth Street
Tulsa, Okla. 74103
Oklahoma, E
P.O. Box 1009
Muskogee, Okla. 74401
Oklahoma, W
Room 4434
U.S. Court House & Federal Office Bldg.
Oklahoma City, Okla. 73102
Oregon
312 U.S. Courthouse
620 SW Main Street
Portland, Oregon 97205
Penn., E
3310 U.S. Cthse.
Independence Mall West
601 Market St.
Philadelphia, Pa., 19106
Penn., M
P.O. Box 309
Scranton, Pa 18501
Penn, W
633 U.S.P.O. & Court House
7th Ave. & Grant St.
Pittsburgh, Pa. 15219
Puerto Rico
Rm. 101, Fed. Office Bldg.
Carlos E. Chardon St.
Hato Rey, P.R. 00918
Rhode Island
P.O. Box 1401
Providence, R.I. 02901
S. Carolina
P.O. Box 2266
Columbia, S.C. 29202
S. Dakota
P.O. Box 1073, Federal Bldg. & U.S. Court House
400 S. Phillips Avenue
Sioux Falls, S.D. 57102
Tennessee, E
P.O. Box 372
Knoxville, Tenn. 37901
Tennessee, M
879 U.S. Cthse.
Nashville, Tenn. 37203
Tennessee, W
1026 Fed. Office Bldg.
167 North Main St.
Memphis, Tenn. 38103
Texas, N
310 U.S. Court House
10th at Lamar
Ft. Worth, Tex. 76102
Texas, S
P.O. Box 61129
Houston, Tex. 77208
Texas, E
P.O. Box 1510
Beaumont, Tex. 77704
Texas, W
John H. Wood, Jr.
Fed. Bldg.
655 E. Durango Blvd.
San Antonio, Tex. 78206
Utah
200 P.O. and Court House
350 South Main Street
Salt Lake City, Utah 84101
Vermont
P.O. Box 570
Federal Bldg.
Burlington, Vt. 05402
Rutland, Vt. 05701
Virgin Islands
P.O. Box 1441
St. Thomas, V.I. 00801
Virginia, E
701 Prince Street
Alexandria, Va. 22313
Virginia, W
P.O. Box 1709
Roanoke, Va. 24008
Washington, E
Box 1494
Spokane, Wash. 99210
Washington, W
3600 Seafirst 5th Ave. Plaza
800 Fifth Ave.
Seattle, Wash. 98104
W. Virginia, N
P.O. Box 591
Wheeling, W. Va. 26003
W. Virginia, S
P.O. Box 3234
Charleston, W. Va. 25332
Wisconsin, E
330 Federal Building
517 East Wisconsin Avenue
Milwaukee, Wis. 53202
Wisconsin, W
P.O. Box 112
Madison, Wis. 53701
Wyoming
P.O. Box 668
Cheyenne, Wyo. 82001
North Mariana Islands
c/o U.S. Attorney's Office
Suite 502-A. PDN Bldg.
238 O'Hara Street
Agana, Guam 96910

[FR Doc. 83-22904 Filed 8-22-83; 8:45 am]
BILLING CODE 4410-07-M

Office of the Attorney General

Certification of the Attorney General; Lowndes County, Mississippi

In accordance with Section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, I hereby certify that in my judgement the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States of America in Lowndes County, Mississippi. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under Section 4(b) of the Voting Rights Act of 1965 and published in the **Federal Register** on August 7, 1965, (30 FR 9897).

Dated: August 19, 1983.

D. Lowell Jensen,

Acting Attorney General of the United States.

FR Doc. 83-23279 Filed 8-22-83; 10:17 am]
BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: September 13, 1983, 9:30 a.m., Rm. N3437 A & B, Frances Perkins, Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Betsy White, Acting Director, Office of International Economic Policy, Phone: (202) 523-6096.

Signed at Washington, D.C., this 11th day of August 1983.

Robert W. Searby,

Deputy Under Secretary, International Affairs.

[FR Doc. 83-22980 Filed 8-22-83; 8:45 am]
BILLING CODE 4510-28-M

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background: The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of forms under review: On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and questions: Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

Employment and Training Administration
Statement of Selected Workloads and Expenditures of Federal Funds for Unemployment Compensation for Federal Employing Agencies
ETA 191 (SUPP)
Quarterly
State Employment Security Agencies
SIC: 944
212 responses; 954 hours; 1 form

Federal agencies must reimburse the Federal Employees Compensation Account for the amount expended for benefits to former Federal Employees (UCFE/UCX). The report informs ETA of the amount to bill each Federal agency.

Signed at Washington, D.C., this 18th day of August, 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-23144 Filed 8-22-83; 8:45 am]

BILLING CODE 4510-30-M

Employment and Training Administration

Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period August 8, 1983—August 12, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm, or appropriate subdivisin have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–14,484; Ellwood Steel Casting Corp., Ellwood City, PA

TA–W–14,536; Huntington Industries, Inc., Huntington, WV

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–14,631; Great National Corp., Panama #1 Mine, Panama, OK

Aggregate U.S. imports of metallurgical coal did not increase as required for certification.

TA–W–14,629; Great National Corp., Bonanza #1 Mine, Bonanza, AR

Aggregate U.S. imports of metallurgical coal did not increase as required for certification.

TA–W–14,712; International Mill Service, Pueblo, CO

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

Affirmative Determinations

TA–W–14,432; Reed Holdings, Inc., Bridge Div., Cheektowaga, NY

A certification was issued covering all workers separated on or after November 1, 1982.

TA–W–13,842; Peerless Tube Co., Bloomfield, NJ

A certification was issued covering all workers separated on or after September 17, 1981.

TA–W–14,578; London Handbag Co., Dallas, TX

A certification was issued covering all workers separated on or after April 8, 1982 and before July 30, 1983.

TA–W–14,555; Minatola Industries of Arkansas, dba, Lepanto Garment Co., Lepanto, AR

A certification was issued covering all workers separated on or after March 15, 1983.

I hereby certify that the aformentioned determinations were issued during the period August 8, 1983—August 12, 1983. Copies of these determinations are gavailable for inspection in Room 9120, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: August 16, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-23145 Filed 8-22-83; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the

determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 2, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 2, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 15th day of August 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

petitioner (union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Cleveland Cliffs Iron Co., Empire Mine (USWA)	Ishpeming, MI	8/8/83	8/4/83	TA-W-14,906	Mine, up-grade and pelleterze taconite.
Dano Div. of Crouse-Hinds Arrow Hart (workers)	Hartford, CT	7/25/83	7/17/83	TA-W-14,907	Coils—for electrical appliances or equipment.
Inland Steel Mining Co., Minorca Mine (USWA)	Virginia, MN	8/8/83	8/4/83	TA-W-14,908	Taconite pellets.
Leesona Corp. (IAMAW)	Warwick, RI	8/8/83	7/30/83	TA-W-14,909	Textile machinery.
Runida Mining, Inc. (workers)	West Logan, WV	7/6/83	7/21/83	TA-W-14,910	Coal mining.
Texas-Gulfport Shipbuilding Co. (company)	Port Arthur, TX	8/8/83	8/5/83	TA-W-14,911	Multi-purpose cargo vessels.
Village Industries, Inc. (ILGWU)	Garden City Park, NY	8/9/83	8/4/83	TA-W-14,912	Women's sportswear.

[FR Doc. 83-23146 Filed 8-22-83; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-83-77-C]

Alabama By-Products Corp.; Petition for Modification of Application of Mandatory Safety Standard

Alabama By-Products Corporation, P.O. Box 10246, Birmingham, Alabama 35202 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Mary Lee No. 1 Mine (I.D. No. 01-00515) located in Walker County, Alabama. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return aircourses be separated from belt haulage entries.

2. Sections of the mine are advanced by driving five to seven entries abreast. One or two entries are used as intake aircourses and one or two are used as return aircourses. Two or three entries are neutral aircourses which are separated from the intake and return aircourses by permanent stopings. One of the neutral aircourses will always double as a belt and track entry. Power of equipment on the track haulageway is generated from the electric trolley systems. There are currently five air shafts—three are intakes and two are returns. Each shaft measures 20 feet in diameter. A fan is used to draw air through each of the return air shafts. In addition to the air shafts, there is one slope entry approximately 21 feet wide and 8 feet high. The coal seam currently averages 51 inches in height.

3. Petitioner states that low seam heights and spauling roof conditions, coupled with lengthy aircourses cause considerable restriction to normal air flow. The belt haulage entry is brushed to an average height of approximately 8 feet, alleviating much of the restricted air flow encountered in adjacent entries. Air traveling the intake aircourses has a normal tendency to pull to the neutral belt entry. The belt entry is traveled and inspected by mine personnel on a frequent basis.

4. As an alternate method, petitioner proposes to use the belt entries as additional intake entries which will eliminate any possible dead air areas and prevent possible air reversals due to changes in ventilating pressure. This will provide some increase in air volume in the last open crosscut and provide the flexibility to quickly direct more air to dilute any concentrations of methane which may occur at the working face.

5. In support of this alternate method, petitioner proposes to install a carbon monoxide (CO) monitoring system in all belt entries used as intakes to monitor for CO every 20 minutes. Locations will be specified in the petitioner's ventilation system and methane and dust control plan submitted for approval. Each monitor will be visually examined at least once each day, examined weekly for proper operation, and calibrated every 30 days with a known concentration of CO. Each nonitor located at or near each section loading point will emit an audible alarm when CO is detected at 15 ppm above the ambient level for the mine. Should the alarm sound, all affected miners will be withdrawn to the nearest communication station. Should the monitors be deenergized by a power outage or for routine maintenance, the belt conveyor will continue to operate and the belt entry will be continously patrolled and monitored by a qualified person with CO detector tubes or equivalent means until power is restored.

6. In addition, petitioner will install a surface terminal to receive the monitors' data. This terminal will be located where a responsible person is assigned and has telephone or equivalent communications. This terminal shall give a signal when any monitor detects CO 10 ppm above the ambient level, and cause an immediate investigation.

7. Petitioner states that the alternate method proposed will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 22, 1983. Copies of the petition are available for inspection at that address.

Dated: August 16, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-23152 Filed 8-22-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-75-C]

B and B Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

B and B Coal Company, 225 Main Street, Joliett, Pennsylvania 17981 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity and velocity) to its Rock Ridge Slope (I.D. No. 36-07175) located in Schuylkill County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Air sample analysis history reveals that harmful quantities of methane are non-existent in the mine.

2. Ignition, explosion and mine fire history are non-existent for the mine.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable Anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable, damp and cold conditions in the already uncomfortable, wet mines.

7. As an alternate method, petitioner proposed that:

a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

b. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and

c. The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

9. Petitioner states that the alternate method proposed will at all times provide the same measure of protection for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 22, 1983. Copies of the petition are available for inspection at that address.

Dated: August 16, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-23151 Filed 8-22-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-51-C]

Estep Coal Corp., Petition for Modification of Application of Mandatory Safety Standard

Estep Coal Corporation, Route 4, Box 190, Grundy, Virginia 24614 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 1 Mine (I.D. No. 44-05059) located in Buchanan County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A sumary of the petioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be insatlled on the mine's electric face equipment.

2. The seam height varies from 43 to 53 inches in height with undulating conditions.

3. Petitioner states that the installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because the cabs or canopies may dislodge roof bolts or cause roofing out of solid material. Cabs or canopies may also wedge the equipment between the top and bottom which may weaken the structure, causing failure at some futue time. Cabs or canopies would also restrict the vision of the equipment operator, causing the operator to lean out of the cab or canopy, exposing body parts to potential injury. The cabs or canopies could also strike and dislodge electrical cables, creating the potential for electric shock. The operator's compartment on the equipment is cramped by the cab or canopy, causing extreme discomfort and operator fatigue, increasing the chances of an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 22, 1983. Copies of the petition are available for inspection at that address.

Dated: August 16, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-23154 Filed 8-22-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-76-C]

Ike Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Ike Coal Company, 109 Broadbottom Road, Pikeville, Kentucky 41501 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 3 Mine (I.D. No. 15-11421) located in Pike County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The coal seam varies in height from 45 to 50 inches, with consistent ascending and descending grades throughout the seam.

3. Petitioner states that the use of canopies on the mine's continuous miner would result in a diminution of safety for the miners affected because the canopy hampers the equipment operator's visibility and seating position, increasing the chances of an accident. The canopies can also strike the roof, dislodging the roof support system.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or

received in that office on or before September 22, 1983. Copies of the petition are available for inspection at that address.

Dated: August 16, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-23155 Filed 8-22-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-50-C]

J. J. & G. Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

J. J. & G. Coal Company, 523 E. Market Street, Williamstown, PA 17098 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity, and velocity) to its White Vein Slope (I.D. No. 36-06815) located in Dauphin County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Air sample analysis history reveals that harmful quantities of methane are non-existent in the mine.

2. Ignition, explosion and mine fire history are non-existent for the mine.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable Anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mine.

7. As an alternate method, petitioner proposes that:

a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

b. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and

c. The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

9. Petitioner states that the alternate method proposed will at all times provide the same measure of protection for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petiton may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 22, 1983. Copies of the petition are available for inspection at that address.

Dated: August 16, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-23156 Filed 8-22-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-16-M]

Kennecott Minerals Co.; Petition for Modification of Application of Mandatory Safety Standard

Kennecott Minerals Company, Utah Copper Division, P.O. Box 6500, Salt Lake City, Utah 84106 has filed a petition to modify the application of 30 CFR 55.9-40(c) (transportation of persons) to its Bingham Canyon Mine (I.D. No. 42-00149) located in Bingham Canyon County, Utah. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that persons shall not be transported outside the cabs and beds of mobile equipment, except trains.

2. A self-propelled track machine is used for track maintenance. As an alternate method, petitioner proposes to transport the track crew (7 to 10 persons) outside the cab. A standard protective railing will be provided on the machine, consisting of a railing 42 inches high with a mid-rail and 4-inch toe board. A latchable gate will be provided where persons get on and off the machine. Special provisions will be made to accommodate or secure loose tools.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 22, 1983. Copies of the petition are available for inspection at that address.

Dated: August 16, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-23150 Filed 8-22-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-14-M]

Kerr-McGee Chemical Corp.; Petition for Modification of Application of Mandatory Safety Standard

Kerr-McGee Chemical Corporation, P.O. Box 610, Hobbs, New Mexico 88240 has filed a petition to modify the application of 30 CFR 57.13-20 (compressed air) to its Lea Mine and Refinery (I.D. No. 29-01147) located in Lea County, New Mexico and its Hobbs Potash Facility (I.D. No. 29-00170) located in Eddy County, New Mexico. the petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that compressed air shall not be directed toward a person at any time.

2. As an alternate method, petitioner proposes to allow persons to blow dust off their clothes with compressed air for sanitary reasons. Two air regulators, two air filters and an OSHA-approved nozzle will be used. They will be set to regulate air below 20 psi. The air filters will be inspected at regular intervals.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 22, 1983. Copies of the petition are available for inspection at that address.

Dated: August 16, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-23148 Filed 8-22-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-53-C]

Price River Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Price River Coal Company, P.O. Box 629, Helper, Utah 84526 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its No. 3 Mine (I.D. No. 42-00165) located in Carbon County, Utah. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return aircourses be examined in their entirety on a weekly basis.

2. Petitioner seeks a modification of the requirement that return aircourses and seals located in the portion of the No. 3 Mine previously known as Carbon Fuel No. 2 mine be examined in their entirety.

3. The No. 2 mine was developed approximately 30 years ago. The developing operator extracted 10 feet of the 14 foot thick seam. Entries were not roof bolted or adequately supported. The roof has deteriorated causing four feet of top coal and roof rock to fall throughout the entire area. The No. 2 mine is not an active producing mine; it is used exclusively for return ventilation of the No. 3 mine. The only connection of the No. 2 mine to the No. 3 mine is through two 270 foot vertical shafts. The No. 2 mine is not part of the No. 3 mine escapeway system.

4. Petitioner states that rehabilitation of the return airways for safe travel would expose miners to extremely hazardous conditions. Further deterioration of the No. 2 mine will not affect the efficiency on the No. 3 mine ventilating system.

5. As an alternate method, petitioner proposes to monitor the airway in the No. 2 mine by checkpoints. Specifically:

a. Three special ventilation checkpoints will be established, one near the exhaust fan and one at the bottom of each shaft;

b. Monitoring will be conducted by a certified person on a weekly basis. Methane will not be allowed to accumulate beyond legal limits in the return airways. An increase of 0.5 percent of methane from the last reading will result in an immediate investigation of the affected area;

c. Diagrams will be posted at each monitoring station indicating the direction of the air flow;

d. Date boards will be located at each monitoring station to record ventilation and methane readings, date and the mine examiner's initials;

e. Access to and from each checkpoint will be kept properly supported and in a safe condition for travel; and

f. The examiner will be required to carry a one-hour self-rescue device when making examinations at each checkpoint.

6. Petitioner states that the alternate method outlines above will provide the same degree of safety for the miners affected as that afforded by the standard.

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 22, 1983. Copies of the petition are available for inspection at that address.

Dated: August 16, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-23157 Filed 8-22-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-83-C]

Pyro Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Pyro Mining Company, P.O. Box 267, Sturgis, Kentucky 42459 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Pyro No. 9 Slope, Williams Station (I.D. No. 15-13881) located in Webster County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The coal seam ranges from 48 to 51 inches in height with undulations in the roof and unstable floor conditions, and ascending and descending grades creating dips.

3. Petitioner states that the installation of canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because the canopy could strike the roof or bolts, possibly destroying the roof support system.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarket or received in that office on or before September 22, 1983. Copies of the petition are available for inspection at that address.

Dated: August 16, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-23153 Filed 8-22-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-59-C]

Sue Lee Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Sue Lee Coal Company, Inc., P.O. Box 767, Clintwood, Virginia 24228 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Mine No. 2 (I.D. No. 44-05749) located in Dickenson County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The mine ranges from 36 to 72 inches in height, with undulating roof conditions and very abrupt changes in grades.

3. Petitioner states that the installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because the canopies could strike and dislodge roof supports, and the canopy would be weakened from contacting the roof, making the canopy itself a hazard to the equipment operator.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office

of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 22, 1983. Copies of the petition are available for inspection at that address.

Dated: August 15, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-23158 Filed 8-22-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-15-M]

Tenneco Minerals; Petition for Modification of Application of Mandatory Safety Standard

Tenneco Minerals, P.O. Box 1167, Green River, Wyoming 82935 has filed a petition to modify the application of 30 CFR 57.21-78 (permissible equipment) to its Soda Ash Mine (I.D. No. 48-01295) located in Sweetwater County, Wyoming. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that only permissible equipment maintained in permissible condition shall be used beyond the last open crosscut or in places where dangerous quantities of flammable gases are present or may enter the air current.

2. On permissible alternating—current machines having a nameplate rating greater than 660 volts, all high voltage switch gear and control for equipment must be located remotely and operated by remote control at the main equipment, and such potential for remote control shall not exceed 120 volts.

3. Petitioner seeks a modification of the standard to permit the use of on-board switching to cutting head motors on a bore miner in lieu of remotely switching from a remote power sled.

4. Petitioner states that application of the standard will result in a diminution of safety for the miners affected because:

a. With the manual disconnect, the equipment operator must leave the cab, move to the opposite side of the equipment and then return to the cab. This exposes the equipment operator to roof conditions and potential injury;

b. The construction of the present isolator switch makes it susceptible to misalignment, causing incorrect contact closure, subsequent failure from arcing, and unnecessary outage.

5. As an alternate method, petitioner proposes to change the manual cutting motor disconnect to an electrically operated vacuum breaker contactor, as follows:

a. To run in pump only, the equipment operator will shut the entire machine down, and when restarted, only the pump motor will run;

b. To run in cut (the pump motor must already be running), the equipment operator must depress the cutting motor start button, depress the normal start button, hold them both and switch the cutting motor breaker on;

c. To shut the machine down in either pump or cut, the equipment operator can depress the stop button which opens the contactor in the sled (through the pilot circuit) and deenergize the entire machine and cable;

d. To shut down only the cutting motors, the equipment operator can switch the breaker off.

6. In support of the proposed alternate method, petitioner states that:

a. The contactor will be mounted directly in the enclosure used for the isolator. The only change is with the component mounting bolts;

b. The external locking lever will be removed and the hole for the shaft will be plugged with a machined plug welded in place;

c. All inter-component wiring will be done using existing wiring and conduit runs previously used for interlock systems;

d. The button proposed to be used for a start button is presently used for a test of the motor thermal-guard lights. This function would be kept, using one set of contacts off the button instead of three. This will not affect the warning circuit should a motor heat up. Use of this button replaces any need to add another permissible enclosure with a start button;

e. The cutting motor breaker was used for the headlight and low voltage control circuit. Petitioner proposes to use in-line fuses in that circuit to facilitate use of the breaker for the new circuitry.

7. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 22, 1983. Copies of the petition are available for inspection at that address.

Dated: August 16, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-23140 Filed 8-22-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-74-C]

United States Steel Corp.; Petition for Modification of Application of Mandatory Safety Standard

United States Steel Corporation, 600 Grant Street, Pittsburgh, Pennsylvania 15230 has filed a petition to modify the application of 30 CFR 75.1103 (automatic fire warning devices) to its Oak Grove Mine (I.D. No. 01-00851) located in Jefferson County, Alabama. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all belts have automatic fire sensor and warning device systems.

2. As an alternate method, petitioner proposes to install a carbon monoxide (CO) monitor in lieu of point heat sensors in the belt conveyor entry. The monitor will have a meter option, a see-through lid, and a relay option for high level or alarm. A low pressure switch or other suitable device will be incorporated into the monitoring system to rapidly evaluate electrical short and open circuits, ground faults, and pneumatic leaks. In addition, petitioner states that:

a. CO monitors will not be installed in an entry where the containment travel velocity is below 50 fpm or where the air stream in the entry does not have a definite and distinct direction;

b. A CO monitor will be installed: (1) Approximately 100 feet inby on the ventilation split for each underground belt headpiece, (2) at each underground belt tailpiece, and (3) along each underground belt haulage entry at intervals not exceeding 2,000 feet. Where the initial belt headpiece is located on the surface for a conveyor belt which enters the underground workings at a drift or slope portal, one CO monitor shall be installed in the belt haulage entry approximately 100 feet inby the portal on an intaking ventilation split. Only one CO monitor, installed approximately 100 feet inby on

the ventilation split, will be required for a belt headpiece which discharges onto a belt tailpiece located on the same ventilation split;

(c) The system will incorporate an auxiliary battery power supply capable of giving warning of fire for a minimum of 4 hours after the source of power to the belt is removed;

(d) At any time the CO monitor has been deenergized, for reasons such as power outages or routine maintenance, the belt conveyor will continue to operate and the entry or entries affected will be continuously patrolled and monitored by a qualified person with CO detector tubes or equivalent means until the monitor returns to normal operation;

e. Each CO monitor will be monitored each shift and calibrated monthly. Records of these results will be kept for one year;

f. The monitor alarm level will be set at 15 ppm above the ambient CO level in the mine. When the CO monitoring system gives an alarm, all affected persons will be withdrawn from the affected area, except those required to take appropriate action; and

g. The alarm signal will, upon activation, provide an effective warning signal to a central location where a responsible person, who is always on duty when miners are underground, can hear or observe the alarm and take appropriate action immediately.

3. Petitioner states that the proposed alternate method outlined above will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 22, 1983. Copies of the petition are available for inspection at that address.

Dated: August 16, 1983.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-23147 Filed 8-22-83; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Earth Sciences, Subcommittee for Crustal Structure & Tectonics, and Petrogenesis & Mineral Resources; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting.

Name: Advisory Committee for Earth Sciences (Crustal Structure & Tectonics, and Petrogenesis & Mineral Resources Subcommittee).

Date and time: September 8-9, 1983; 8:30 a.m. to 5:00 p.m. each day.

Place: The National Science Foundation, Room 602, 1800 G Street, N.W., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. James Fred Hays, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550 Telephone (202) 357-7958.

Purpose of committee: To provide advice and recommendations concerning support for research in Earth Sciences.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information: financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority: This determination was made by the Committee Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: August 18, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-23088 Filed 8-22-83; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on August 31-September 2, 1983, in Room 1046, 1717 H Street, NW., Washington, D.C. Notice of this meeting was published in the **Federal Register** on August 15, 1983.

The agenda for the subject meeting will be as follows:

Wednesday, August 31, 1983

8:30 a.m.-8:45 a.m.: Opening Remarks (Open)—The ACRS Chairman will report briefly on matters of current interest regarding ACRS activities.

8:45 a.m.-11:15 a.m.: Severe Accident Research Program (Open)—The Committee members will hear and discuss presentations by representatives of NRR and RES regarding the objectives of the SARP.

11:15 a.m.-12:15 p.m.: Unresolved Safety Issue A-1, Water Hammer (Open)—The Committee will consider the NRC Staff proposal for resolution of USI A-1, Water Hammer.

1:15 p.m.-2:15 p.m.: Unresolved Safety Issue A-43, Containment Emergency Sump Performance (Open)—The members will consider proposed NRC Staff action to resolve USI A-43, Containment Emergency Sump Performance.

2:15 p.m.-3:45 p.m.: Nuclear Plant Security (Open)—The members will consider proposed NRC rules and amendments regarding the security provisions at nuclear facilities.

3:45 p.m.-6:00 p.m.: Nuclear Power Plant Operator Training and Qualification (Open)—The members will consider proposed new and revised NRC regulations and regulatory guides on training and qualification of individuals working at nuclear power plants.

Thursday, September 1, 1983

8:30 a.m.-9:00 a.m.: Future Schedule (Open)—The members will discuss anticipated ACRS Subcommittee activity and proposed full Committee activity.

9:00 a.m.-10:00 a.m.: Office of Nuclear Regulatory Research Activities (Open)—The Director of the NRC Office of Nuclear Regulatory Research will brief the ACRS regarding activities of the NRC Office of Nuclear Regulatory Research.

10:00 a.m.-12:00 Noon and 1:00 p.m.-2:00 p.m.: Combustion Engineering, Inc. Nuclear Steam Supply System (Open)—The members will consider depressurization and decay heat removal capability in Combustion Engineering nuclear steam supply systems without PORVs.

2:00 p.m.–3:00 p.m.: Seismic Design of Nuclear Facilities (Open)—The ACRS members and representatives of the NRC Staff will discuss the use of the "Tau" effect in the seismic design of nuclear power plants.

3:00 p.m.–4:00 p.m.: Operating Experience at Nuclear Facilities (Open)—The members of the Committee will hear reports from representatives of the NRC Staff regarding recent experiences that impact on the safety of nuclear facilities including events leading to IE Information Notices No. 83–07 and No. 83–01 regarding nonconformance to specifications of materials provided for construction of nuclear facilities, and the recent fine levied against the Commonwealth Edison Company for breakdown of plant management at the Quad Cities Station.

4:00 p.m.–5:00 p.m.: Use of Statistics (Open)—Members of the Committee will hear and discuss a briefing by Dr. H. W. Lewis, ACRS Member, regarding statistical methodology.

5:00 p.m.–6:00 p.m.: ACRS Subcommittee Activities (Open)—The members will hear and discuss reports of ongoing activities from designated subcommittees including the scope and conduct of ACRS activities, emergency procuedures guidelines and emergency operating procdures, and a proposed NRC rule on decommissioning of nuclear facilities.

Friday, September 2, 1983

8:30 a.m.–12:30 p.m.: Preparation of ACRS Reports to NRC (Open)—The Committee will prepare its reports to the Nuclear Regulatory Commission regarding items considered during this meeting.

1:30 p.m.–2:30 p.m.: ACRS Subcommittee Activities (Open/Closed)—The members will hear and discuss reports of designated subcommittees regarding ongoing activities including the annual ACRS report to the U.S. Congress on the proposed NRC safety research budget and program, and the proposed Westinghouse Electric Corporation advanced PWR standard plant design.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being considered.

2:30 p.m.–3:30 p.m.: Preparation of ACRS Reports (Open)—The members will complete discussion and preparation of reports regarding items considered during this meeting.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 1982 (47 FR 43474). In accordance with these procedures, 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 Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director, R. F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information [5 U.S.C. 552b(c)(4)].

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m. EDT.

Dated: August 17, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-22141 Filed 8-22-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Decay Heat Removal Systems; Change

The ACRS Subcommittee on Decay Heat Removal Systems scheduled for August 24 and 25, 1983 has been changed to a one day meeting on August 25, 1983 in Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, August 25, 1983—10:00 a.m. until the conclusion of business

The Subcommittee will discuss two interim milestone reports for Task Action Plan A–45, "Shutdown Decay Heat Removal Requirements", concerning the grouping of light water reactors according to decay heat removal capability, and a quantitative screening criteria for decay heat removal systems.

All other items regarding this meeting remain the same as announced in the **Federal Register** published August 2, 1983 (48 FR 35046).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Anthony Cappucci (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m. EDT.

Dated: August 18, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-22142 Filed 8-22-83; 8:45 am]

BILLING CODE 7590-01-M

[Byproduct Material License No. 12–11184–01, EA 83–76]

Kay-Ray, Inc.; Order Suspending License, Immediately Effective, and Order To Show Cause

I

Kay-Ray, Incorporated (the "licensee"), 516 West Campus Drive, Arlington Heights, IL 60004, holds Byproduct Material License No. 12–11184–01 issued by the Nuclear Regulatory Commission. The licensee has offices located at 516 West Campus Drive, Arlington Heights, Illinois. The license authorizes the licensee to possess and use radioactive byproduct material in the manufacture of gauges.

II

Over the past several months the licensee has reported several apparent overexposures of its employees. The number and magnitude of these overexposures indicate potentially serious weaknesses in the licensee's radiation protection program and their ability to ensure the safe handling of radioactive material.

The Commission's regulations in 10 CFR Part 20 place upper limits on permissible occupational doses to a licensee's employees. Under 10 CFR 20.101(a), an individual in a restricted

area may not receive doses in a calendar quarter of more than 1.25 rems to the whole body, head and trunk, active bloodforming organs, lens of eyes, or gonads, 18.75 rems to the hands and forearms, feet and ankles; and 7.5 rems to the skin of the whole body. As provided in 10 CFR 20.101(b), the licensee may permit an individual in a restricted area to receive a total occupational dose to the whole body of not more than 3 rems in a calendar quarter under certain circumstances, which the licensee has not complied with in all cases.

On March 8, 1983, the licensee reported an apparent dose of 1.260 rems (whole body gamma) to an employee during the fourth quarter of 1982. The NRC's Region III office conducted an inspection of the licensee's operations on April 12 and 13, 1983. As a result of the inspection (Report Nos. 030-04214/83-01 and 030-04215/83-01), a Notice of Violation pursuant to 10 CFR 2.201 for four items of noncompliance was issued to the licensee, including the gamma overexposure reported on March 8, 1983.

On May 24, 1983, the licensee reported an apparent dose of 29.88 rems (extremities) during the second quarter of 1983. Region III held an enforcement conference on July 29, 1983 to discuss this latest overexposure and package shipping violations identified during the inspection. On July 29, 1983, the licensee reported another apparent overexposure based on radiation exposure data for the week of July 18, 1983. The data indicated an apparent extremity dose of 60.68 rems, a dose to the lens of the eye of 7.19 rems, and doses to the whole body of 6.59 rems and 14.38 rems. The employees who received the apparent overexposures reported in May and July 1983 had been engaged in installing sealed radiation sources in gauges manufactured by the licensee.

During NRC inspections conducted on June 8 and 10 and August 1, 1983 in response to the apparent overexposures, NRC inspectors reviewed and obtained information pertaining to the conduct of the licensee's activities. In addition to obtaining information regarding the circumstances surrounding the reported overexposures, the inspectors observed that apparent low employee morale appears to be a cause for tension between management and employees such that potential radiation protection problems may not always be communicated to the Radiation Safety Officer and the licensee's management. The inspectors observed that radiation dosimetry devices were not sufficiently controlled to provide adequate assurance against possible improper use. One employee responsible for receiving packages of radioactive material appeared to the inspectors to have an inadequate knowledge of survey procedures which suggests inadequate training.

In view of the repeated overexposures of licensee's employees, which raise questions concerning the adequacy of the licensee's radiation protection program, I have determined that the public health, safety and interest require an immediate suspension of all activities involving unshielded radioactive sources until the licensee has demonstrated that its radiation protection program is adequate to ensure compliance with the Commission's requirements.

III

Accordingly, pursuant to sections 81, 161b, 161o, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2, 20, 30, and 32, it is hereby ordered that:

A. Effective immediately, the licensee shall cease to load, unload or otherwise handle unshielded radioactive sources.

B. The licensee shall show cause, as provided in section IV, why such operations should not remain suspended until the licensee has demonstrated that its radiation protection program is adequate to ensure compliance with 10 CFR Part 20. In making such demonstration, the licensee shall conduct a review of its radiation protection program and submit the results of the review and the proposed revisions to the program to the Regional Administrator of NRC Region III for his review and approval. In conducting the review, the licensee shall give consideration to such matters as implementing audits of employee performance, with special emphasis on handling of radioactive material; establishing procedures to address employee morale and to improve cooperation between management and employees; ensuring adequate training and annual retraining of personnel in source handling techniques, survey instrument operation and reporting responsibilities; and controlling access to and use of dosimetry devices.

C. The licensee may resume the suspended operations upon receipt of the written approval of the Regional Administrator.

IV

The licensee may show cause why its operations should not have been suspended and should not remain suspended as provided in section III of this Order by filing a written answer under oath or affirmation which sets forth the matters of fact and law on which the licensee relies. As provided in 10 CFR 2.202(d), the licensee may answer the Order by consenting to the terms of the Order. Upon the licensee's consent, the terms set forth in section III.B shall be effective.

The licensee may request a hearing on this Order within 25 days of the date of this Order. Any request for hearing or answer to this Order shall be submitted to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request or answer shall also be sent to the Executive Legal Director at the same address and to the Regional Administrator, NRC Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137. A request for hearing or answer to this Order shall not stay the immediate effectiveness of section III.A of this Order.

If a hearing is to be held concerning this Order, the Commission will issue an order designating the time and place of hearing. If a hearing is held, the issue to be considered at such hearing shall be whether on the basis of the matters set forth in section II of this Order, this Order should be sustained.

Dated at Bethesda, Maryland, this 15th day of August, 1983.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 83-23136 Filed 8-22-83; 8:45 am]

BILLING CODE 7590-01-M

[Source Material License No. Sub-1137, EA 83-60]

Pacific Armatechnica Corp.; Order to Decontaminate (Immediately Effective)

I

Pacific Armatechnica, 816 State Street, Suite A, Santa Barbara, California ("Pacific") was the holder of Source Material License No. Sub-1137 issued by the Nuclear Regulatory Commission ("Commission") which authorized Pacific to use depleted uranium in projectiles for ballistic testing on a military reservation, in accordance with the conditions specified therein. The license was issued on August 3, 1972. Application for renewal of the license was denied on May 2, 1978.

II

License No. Sub-1137 had an expiration date of August 31, 1977. Pacific filed a renewal application on

August 8, 1977. On September 14, 1977, the Commission notified Pacific that additional information, particularly plans for decontamination, restoration of the area of use to background radiological conditions and disposal of radioactive waste, was necessary before review of the application could continue. On December 22, 1977, when no further information had been received, the Commission notified Pacific that if the requested information was not received within thirty (30) days, it might be necessary to deny the application and terminate the license. When no further information was received, the Commission denied the license application on May 2, 1978, in accordance with 10 CFR 2.108. The letter denying the application informed Pacific that if no hearing on the denial was requested, Pacific was required to dispose of any radioactive material, including contamination in test areas, within thirty (30) days. The Commission was to be notified within five (5) days after disposal.

No notification of disposal was received from Pacific. In November 1978, the Office of Inspection and Enforcement determined that no steps had been taken to dispose of the radioactive material or to decontaminate the facilities. An Immediate Action Letter (IAL) was issued on December 1, 1978, confirming Pacific's representations that depleted uranium would no longer be used, a radiological survey and evaluation of the licensed site would be conducted and a report of the survey and disposition of contaminated areas would be sent to the Commission within thirty (30) days of receipt of the IAL.

On January 12, 1979, Pacific forwarded a radiological survey to the Commission. The survey was conducted at Range 5 of Camp Roberts. Pacific was unable to survey Ranges 12 and 18 because of explosive hazards. Pacific indicated it wished to continue operations at Range 5 and requested that the Commission consider a new application. No decontamination of Range 5 was done. License No. Sub-1137 authorized use of radioactive material only at Ranges 12 and 18 of Camp Roberts. This was the first notice to the Commission that licensed material had been used at Range 5. Pacific was notified on March 14, 1979 that no license renewal would be considered. Another Immediate Action Letter was issued to Pacific on May 15, 1979, notifying it of the violation of its license conditions and directing Pacific to decontaminate Range 5 and investigate the feasibility of decontamination of Ranges 12 and 18. A response to the letter was required within twenty (20) days. On June 5, 1979, Pacific informed the NRC that a firm had been asked to survey Range 5 for the purposes of bidding on a contract to decontaminate the area and that preliminary steps to assessing Ranges 12 and 18 had been taken.

When no further information was received, Pacific was contacted in April 1981. Pacific's president was unavailable to provide additional information on Pacific's commitment to decontamination efforts. In July 1981, Pacific notified Region V representatives of the Commission that no actions had been taken to decontaminate Range 5. Pacific stated that it would report back as soon as possible on plans to decontaminate. Additional contacts by the NRC in October 1981 confirmed that decontamination had not taken place.

On November 23, 1982, the U.S. Army notified Pacific that it would not be permitted to use any of the ranges at Camp Roberts, until the Army received written notification from the NRC that Range 5 had been properly decontaminated. On December 20, 1982, Pacific submitted to the Commission its final report of the decontamination of Range 5.

On February 1–2, 1983, the Region V office conducted a confirmatory survey of Range 5 and an inspection of Range 5. The NRC survey found soil contaminated with depleted uranium in excess of the limits specified for release for unrestricted use at nine different locations at Range 5. Several depleted uranium (DU) penetrators were found buried in the soil at each of three target areas. In addition, an area of several square meters was found to be contaminated with buried DU penetrators and possible burned radioactive debris in one section. Because of apparent widespread contamination, the NRC survey of that area was discontinued.

III

From the foregoing, it is apparent that over an extended period of time Pacific, in violation of Commission requirements, used licensed material at an unauthorized location. Once notified that its authorization to use material was terminated, Pacific has repeatedly failed to take adequate actions to decontaminate the accessible area where licensed material was used. In view of these actions, which amount to willful violations of the Atomic Energy Act of 1954, as amended, I have determined that no prior notice is required and, pursuant to 10 CFR 2.202(f), this order to decontaminate should be immediately effective.

IV

In view of the foregoing and pursuant to sections 62, 63, 161b, and 161o of the Atomic Energy Act of 1954, as amended, and 10 CFR Parts 2, 20, and 40 of the Commission's regulations, it is hereby ordered, effective immediately, that Pacific shall shall:

1. Within twenty (20) days of the date of this Order, initiate decontamination of Range 5, Camp Roberts, California. Decontamination shall meet the following criteria:

a. facilities and equipment shall be decontaminated to the levels set forth in "Guidelines for Decontamination of Facilites and Equipment" which are attached.

b. the average uranium soil concentration in the affected area shall not exceed 35 pCi/gm. above background in the surface and subsurface soil. For demonstration of compliance of surface and subsurface soil contamination, representative soil samples shall be collected, composited, and analyzed for uranium from the surface to a depth of four inches in accordance to grid maps of approximately 10 feet by 10 feet. At least one sample shall be collected from each grid and the composite shall not include more than four samples.

c. gamma radiation levels shall not exceed 10 microrem/hour at 1 meter above ground level (background not included).

2. Submit to the NRC Region V office on or before the last day of each month a written progress report on the decontamination efforts and results achieved.

3. Complete decomination work to levels specified in Item 1 above within 120 days of the date of this Order. Completion of decontamination work shall be evidenced by means of a final survey and verification of completed decontamination submitted under oath to the NRC Region V office within 15 days following decontamination.

4. The Regional Administrator, Region V in writing may relax this order for good cause.

V

Pacific may request a hearing on this Order within thirty (30) days of the date of the Order. Any request for hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission.

Washington, D.C. 20555, with a copy to the Executive Legal Director at the same address.

Any request for a hearing shall not stay the immediate effectiveness of this order. If a hearing is to be held, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered shall be whether Pacific should be required to comply with this Order.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 16th day of August 1983.

For the Nuclear Regulatory Commission.

Richard C. DeYoung

Director, Office of Inspection and Enforcement.

[FR Doc. 83-23130 Filed 8-22-83; 8:45 am]
BILLING CODE 7590-01-M

Memorandum of Understanding Concerning Public Information

The Memorandum of Understanding published below establishes a framework for cooperation and coordination in the area of emergency public information among the following parties:

Washington Public Power Supply System (Supply System)
State of Washington
Benton and Franklin Counties, Washington
Nuclear Regulatory Commission (NRC)
Federal Emergency Management Agency (FEMA)

It outlines the manner in which the parties will cooperate in the dissemination of emergency information to the news media concerning a radiological emergency at the Washington Public Power Supply System's Nuclear Power Plants 1 and 2. It does not address emergency warning systems (i.e., direct notification of the public via the Emergency Broadcast System or otherwise) which are addressed in the Emergency Plans of various parties.

For further information contact: James G. Hanchett, Public Affairs Officer, Telephone 415-943-3712, U.S. Nuclear Regulatory Commission, Region V, 1450 Maria Lane, Suite 210, Walnut Creek, California 94596.

Dated at Walnut Creek, California this 12th day of August, 1983.

For the Nuclear Regulatory Commission.

B. H. Faulkenberry,

Acting Regional Administrator.

Memorandum of Understanding Among State of Washington, Benton-Franklin Counties, Washington; Washington Public Power Supply System, U.S. Nuclear Regulatory Commission, and Federal Emergency Management Agency; Public Information

1. Background and Purpose

Protection of the public health and safety in the event of a radiological emergency at the Washington Public Power Supply System's Nuclear Power Plants 1 and 2 imposes upon the utility operator and local, state, and federal government agencies the responsibility to provide complete, accurate, timely, and understandable information to the public. In the absence of an effective public information program during an emergency, unfounded rumors proliferate, public alarm is increased, confidence in government agencies is eroded, and the overall effectiveness of emergency response is diminished.

An effective emergency public information program requires cooperation by and advance planning among potential emergency response organizations. Recognizing the unique and separate responsibilities and jurisdictions of the organizations involved in radiological emergency response, the planning for emergency public information must emphasize inter-agency coperation and coordination.

This memorandum of understanding establishes a framework for cooperation and coordination in the area of emergency public information among the following parties:

Washington Public Power Supply System (Supply System)
State of Washington
Benton and Franklin Counties, Washington
Nuclear Regulatory Commission (NRC)
Federal Emergency Management AGency (FEMA)

2. Scope

This memorandum of understanding defines the manner in which the parties will cooperate in the dissemination of emergency information to the news media concerning a radiological emergency at the Washington Public Power Supply System's Nuclear Power Plants 1 and 2. It does not address emergency warning systems (i.e., direct notification of the public via the Emergency Broadcast System, or otherwise), which are addressed in the Emergency Plans of various parties.

3. Coordination of Emergency Public Information

In the event of a radiological emergency at the Washington Public Power Supply System's Nuclear Power Plants 1 and 2, classified as an Alert, Site Area Emergency, or General Emergency, the parties to this agreement will coordinate their respective public information programs and cooperate to the maximum degree feasible to assure that the news media and the public are provided with complete, accurate, timely, and understandable information about the nature of actions by the individual organizations.

Specifically, the parties agree as follows:

a. Each party agrees to keep the other parties fully and currently informed concerning information released to the news media. To the extent possible, each party will endeavor to notify the others in advance concerning the text or general outline of information to be released.

b. Each party agrees to focus its public information releases and public statements on those matters within the scope of its jurisdiction and responsibility. To the extent possible, news media inquiries should be directed to the appropriate response agency for reply unless subsequent agreements among the parties provide for a pooling of resources.

c. To the extent possible, each party will release official public information to the news media through a designated spokesperson, normally a responsible senior official with decision-making authority or his/her designee; e.g., a public information officer.

d. When regional response teams from NRC Region V and FEMA Region X are en route to the Supply System's site, public information releases, about the nature of the emergency and the federal response will be made from the NRC and FEMA Headquarters offices, as appropriate. When the regional response teams arrive on site and the Joint Information Center is established, the NRC and FEMA Headquarters offices will begin referring media inquiries to the Joint Information Center and will coordinate any official statements with the Joint Information Center, as provided in Item e.

e. When a Joint Information Center is established, the parties agree to release all official public information through this facility, either directly or simultaneously with its release from some other location; e.g., a state EOC or the NRC and FEMA Headquarters offices.

f. When the Joint Information Center is established, the news media will be notified that, for the duration of the emergency, official public information and press briefings from the signatory agencies to this agreement will be released from the Joint Information Center.

g. When the Joint Information Center is established, each party will refer news media inquiries to the Joint Information Center or each party's official spokesperson, as appropriate.

h. While reaffirming the intent to provide public information from a single platform, extreme circumstances may preclude that, and nothing in this agreement shall limit the authority of any party to publicly and separately release any information that it believes is within the scope of its jurisdiction and responsibility and that it believes is complete, accurate, and timely. In the event of separate release by a party to this agreement, the party agrees to provide the Joint Information Center with a copy of the material before or simultaneously with its release.

i. Within the limits of its manpower and priorities, each party agrees to provide public information assistance to other parties, as

needed, toward the common goal of protecting the public health and safety.

j. The Washington Public Power Supply System agrees to provide the physical location, communications and reproduction equipment, furniture, supplies, and administrative services for the support of all parties operating from the Joint Information Center.

k. The Washington Public Power Supply System will develop procedures for partial activation of the Joint Information Center within one hour after declaration of a Site Area Emergency or General Emergency and complete activation within two hours.

l. The Joint Information Center shall be equipped with dedicated telephone lines between the center, the licensee's near-site emergency operations facility, the Washington EOC, and the Benton-Franklin County EOC, including capability for live broadcast to the Joint Information Center from these locations.

m. The Joint Information Center will be staffed by public information representatives from the Washington Public Power Supply System, the Nuclear Regulatory Commission, the Federal Emergency Management Agency, the state of Washington, and other parties as personnel and priorities permit.

n. Each party agrees to provide current copies of its emergency public information plan and procedures to the other parties.

This agreement will become effective upon signature and continue until cancelled by any party upon written notice to the others. Amendments or modifications to this agreement may be made upon written agreement by all parties to the agreement.

The parties hereto executed this agreement this 24th day of February 1983.

May 6, 1983. Governor John Spellman, *State of Washington.* April 5, 1983. J. B. Martin, *U.S. Nuclear Regulatory Commission.* March 25, 1983. William H. Mayer, *Regional Director, Federal Emergency Management Agency, Region X.* February 28, 1983. W. H. Sebero, *Benton County, Washington.* February 28, 1983. Chet Bailie, *Franklin County, Washington.* March 21, 1983. Robert L. Ferguson, *Managing Director, Washington Public Power Supply System.*

Approved as to Form: Kevin M. Ryan, *Assistant Attorney General, Washington State.*

[FR Doc. 83-23140 Filed 8-22-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service Placed and Revoked Positions Under Schedules A, B, and C

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202-632-6000.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on July 26, 1983 (48 FR 33953). Individual authorities established or revoked under Schedules A, B, or C between July 1, 1983 and July 31, 1983 appear in a listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedule A

The following exception is established:

Department of the Army

One position of Facility Manager, GS-1640-11, at the U.S. Military Academy, West Point, New York. Effective July 14, 1983.

Schedule B

The following exceptions are established:

General Services Administration

One position of Deputy Director of Network Services. Effective July 19, 1983.

Department of Agriculture

Temporary positions of professional Research Scientists, GS-15 or below, when such positions are established to support the ARS Research Associateship Program and are filled by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and ARS. Appointments are limited to proposals approved by the Administrator and may be made initially for 1 year with an extension for up to 1 additional year. No more than 25 new appointments may be made under this authority during a calendar year. Effective July 28, 1983.

Schedule C

The following exceptions are established:

Department of Agriculture

One Confidential Assistant (Chief for Legislation) to the Chief, Soil Conservation Service. Effective July 1, 1983.

One Confidential Assistant to the Administrator, Agricultural Marketing Service. Effective July 21, 1983.

Department of Commerce

One Confidential Assistant to the Special Assistant to the Secretary, Office of the Special Assistant to the Secretary. Effective July 26, 1983.

One Private Secretary to the Assistant Secretary for Trade Administration. Effective July 26, 1983.

Department of Defense

One Special Assistant to the Ambassador to the North Atlantic Treaty Organization. Effective July 8, 1983.

One Deputy Assistant to the Assistant to the Secretary of Defense (Speechwriters), Office of the Secretary. Effective July 21, 1983.

One Private Secretary to the Deputy Under Secretary of Defense, Research and Engineering (Acquisition Management). Effective July 22, 1983.

Department of Education

One Secretary's Regional Representative to the Under Secretary in Dallas, Texas, Office of the Under Secretary. Effective July 6, 1983.

One Confidential Assistant to the Director, National Institute of Education. Effective July 6, 1983.

One Confidential Assistant to the Assistant Secretary for Special Education and Rehabilitative Services. Effective July 7, 1983.

One Special Assistant to the Assistant Secretary for Special Education and Rehabilitative Services. Effective July 26, 1983.

One Special Assistant to the Assistant Secretary, Office of Legislation and Public Affairs. Effective July 29, 1983.

Department of Energy

One Research Assistant to the Special Assistant to the Secretary for Programs and Policies. Effective July 11, 1983.

One Senate Liaison Specialist to the Deputy Assistant Secretary for Senate Liaison. Effective July 12, 1983.

One Staff Assistant to the Assistant Secretary for Congressional Intergovernmental and Public Affairs. Effective July 19, 1983.

One Secretarial Assistant (Typing) to the Special Assistant to the Secretary for Programs and Policies. Effective July 19, 1983.

One Confidential Assistant to the Commissioner, Federal Energy Regulatory Commission. Effective July 20, 1983.

Department of Health and Human Services

One Confidential Assistant to the Assistant Secretary for Planning and Evaluation. Effective July 1, 1983.

One Special Assistant to the Executive Secretary, Office of the Secretary. Effective July 6, 1983.

One Confidential Assistant to the Executive Secretary, Office of the Secretary. Effective July 6, 1983.

One Special Assistant to the Secretary, Office of the Secretary. Effective July 6, 1983.

One Special Assistant to the Assistant Secretary for Human Development Services, Office of Human Development Services.

One Director, Office of Public Affairs. Effective July 20, 1983.

Department of Housing and Urban Development

One Executive Assistant to the Deputy Assistant Secretary for Multifamily Housing Programs, Office of Housing—Federal Housing Commissioner. Effective July 1, 1983.

One Special Assistant to the Secretary, Office of the Secretary. Effective July 5, 1983.

One Executive Assistant to the Assistant Secretary for Housing, Office of Housing—Federal Housing Commissioner. Effective July 5, 1983.

One Special Assistant to the Regional Administrator in Chicago, Illinois, Office of the Regional Administrator. Effective July 6, 1983.

One Staff Assistant to the Manager, Solar Energy and Energy Conservation Bank. Effective July 13, 1983.

One Assistant Director for Executive Secretariat Operations. Effective July 26, 1983.

Department of the Interior

One Confidential Assistant to the Assistant Secretary—Land and Water Resources. Effective July 5,1983.

One Special Assistant to the Assistant to the Secretary. Effective July 21, 1983.

Department of Justice

One Confidential Assistant to the Acting Director, Office of Justice Assistance, Research and Statistics. Effective July 1, 1983.

One Special Assistant to the Director, National Institute of Justice. Effective July 1, 1983.

One Special Assistant to the Executive Associate Commissioner, Immigration and Naturalization Service. Effective July 8, 1983.

Department of Labor

One Staff Assistant to the Secretary of Labor. Effective July 11, 1983.

One Secretary (Stenography) to the Regional Representative in Kansas City, Missouri, Office of the Deputy Under Secretary for Intergovernmental Affairs. Effective July 13, 1983.

One Special Assistant to the Secretary, Office of the Secretary. Effective July 14, 1983.

One Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs in Seattle, Washington. Effective July 21, 1983.

One Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs in Chicago, Illinois. Effective July 21, 1983.

Department of State

One Special Assistant to the Assistant Secretary for Economic and Business Affairs. Effective July 1, 1983.

One Special Assistant to the Assistant Secretary for Economic and Business Affairs. Effective July 5, 1983.

One Special Assistant to the Counselor, Office of the Counselor. Effective July 13, 1983.

One Special Assistant to the Ambassador-at-Large, Office of the Ambassador-at-Large/Presidential Envoy. Effective July 22, 1983.

One Staff Assistant to the Under Secretary, Office of the Under Secretary for Management. Effective July 29, 1983.

Department of Transportation

One Office Assistant to the Director, Office of Public Affairs, Federal Highway Administration. Effective July 5, 1983.

One Special Assistant to the Assistant Administrator for Public Affairs, Federal Aviation Administration. Effective July 9, 1983.

One Staff Assistant to the Director, Office of Congressional Affairs, Effective July 19, 1983.

One Special Assistant to the Assistant Administrator for Public Affairs, Federal Aviation Administration. Effective July 21, 1983.

One Special Assistant to the Assistant to the Associate Administrator for Traffic Safety Programs, National Highway Traffic Safety Administration. Effective July 22, 1983.

One Congressional Liaison Officer to the Director, Office of Congressional Affairs. Effective July 28, 1983.

Action

One Assistant Director for Policy and Planning. Effective July 22, 1983.

Agency for International Development

One Special Assistant to the Director, Office of Public Affairs. Effective July 14, 1983.

Consumer Product Safety Commission

One Special Assistant to the Commissioner, Office of the Commissioner. Effective July 6, 1983.

Executive Office of the President

One Administrative Assistant to the Chief, Legislative and Budget Support Group, Office of Management and Budget. Effective July 6, 1983.

One Legislative Assistant to the Assistant Director for Legislative Affairs, Office of Management and Budget. Effective July 20, 1983.

Federal Communications Commission

Confidential Staff Assistant to the Managing Director. Effective July 13, 1983.

Federal Home Loan Bank Board

One Special Assistant to the Chairman, Office of the Chairman. Effective July 5, 1983.

One Congressional Liaison to the Executive Staff Director, Congressional Relations Office. Effective July 19, 1983.

One Secretary (Steno) to the Chairman, Office of the Chairman. Effective July 20, 1983.

One Staff Assistant to the Chairman, Office of the Chairman. Effective July 21, 1983.

Federal Labor Relations Authority

One Executive Assistant to the Chairman. Effective July 1, 1983.

Federal Maritime Commission

One Secretary to the Chairman, Office of the Chairman. Effective July 8, 1983.

One Confidential Assistant to the Commissioner, Office of the Commissioner. Effective July 18, 1983.

Federal Mine Safety and Health Review Commission

One Secretary (Typing) to the Commissioner. Effective July 6, 1983.

One Attorney-Advisor (General) to the Commissioner. Effective July 15, 1983.

Government Printing Office

One Special Assistant to the Public Printer, Office of the Public Printer. Effective July 26, 1983.

National Endowment for the Arts

One Special Assistant (Development) to the Deputy to the Chairman for Private Partnership. Effective July 21, 1983.

National Endowment for the Humanities

One Special Assistant to the Chairman. Effective July 6, 1983.

One Special Assistant to the Chairman. Effective July 21, 1983.

National Labor Relations Board

One Confidential Assistant to the Board Member. Effective July 22, 1983.

Office of Personnel Management

One Special Assistant to the Director, Office of Government Ethics. Effective July 29, 1983.

Small Business Administration

One Special Assistant to the Deputy Administrator. Effective July 6, 1983.

United States Tax Court

One Secretary (Confidential Assistant) to the Judge. Effective July 20, 1983.

U.S. Information Agency

One Special Assistant (Media Relations) to the Director, Office of Public Liaison. Effective July 6, 1983.

One Special Assistant (Disinformation) to the Associate Director for Programs. Effective July 7, 1983.

Veterans Administration

One Special Assistant to the Administrator in Atlanta, Georgia. Effective July 13, 1983.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

Dated: August 9, 1983.

Office of Personnel Management,

Donald J. Devine,

Director.

[FR Doc. 83-23072 Filed 8-22-83; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 20092; SR-NSCC-83-9 and 10]

National Securities Clearing Corp.; Order Approving Proposed Rule Change (SR-NSCC-83-10) and Withdrawing Proposed Rule Change (SR-NSCC-83-9)

August 17, 1983.

On June 16, 1983, the National Securities Clearing Corporation ("NSCC") filed with the Commission, pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934, 15 U.S.C. § 78s(b)(1) (the "Act") and Rule 19b-4 (17 CFR § 240.19b-4) thereunder, a proposed rule change that authorizes NSCC to apply certain procedures in its existing over-the-counter ("OTC") equity comparison system ("Equity Comparison System") to OTC debt securities transactions. The proposed rule change also amends NSCC's fee structure to correspond to certain OTC bond comparison program changes. Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by publication of Securities Exchange Act Release No. 19914 (June 27, 1983), 48 FR 31948 (July 12, 1983). No letters of comment were received.[1]

The proposal would implement Phase III of NSCC's new four-phase Bond Comparison System,[2] which is designed to extend certain features of NSCC's current, efficient Equity Comparison System to comparison of OTC securities transactions. Among other things,[3] the proposal would extend to corporate debt, municipal and Unit Trust Fund securities ("OTC debt securities") transactions processed by NSCC, the Demand As Of and Demand Withhold features of the Equity Comparison System.[4] Currently, OTC debt securities trade data that are not compared are dropped from NSCC's comparison system. Under NSCC's proposal, however, the Demand As Of service would permit NSCC participants to resolve those previously dropped, uncompared, aged OTC debt securities trades, eliminating time-consuming efforts currently necessary to resolve those trades outside NSCC. NSCC's proposal also would permit participants, through the Regular Withhold and Demand Withhold service, to delete from NSCC's comparison operation previously compared OTC debt securities trades. Finally, the proposed rule change would amend NSCC's fee structure to include fees to participants scaled by reference to timeliness of response to Demand Withhold Advisories—charges increase as participant response times to Demand Withhold Advisories increase.[5] NSCC believes that the proposed rule change will promote the prompt and accurate [6] clearance and settlement of securities transactions by making these comparison system enhancements available to NSCC members trading OTC debt securities; the enhancements should improve the bond comparison process.

The Commission agrees with NSCC that the proposal is consistent with Sections 17A(b)(3) (A) and (F) of the Act in that it would foster the prompt and accurate clearance and settlement of securities transactions. The proposal would extend efficient and effective features of the current equity comparison operation, *e.g.*, Demand As Of and Demand Withhold, to OTC debt securities trade comparison processing. Those features have reduced significantly the number of unresolved, aged uncompared trades. By reducing the incidence of those trades, the Demand As Of and Demand Withhold features also have reduced associated administrative burdens and financing

[1] File No. SR-NSCC-83-10 was submitted to the Commission under Section 19(b)(2) of the Act, while File No. SR-NSCC-83-9 was submitted under Section 19(b)(3)(A) of the Act. Because File No. SR-NSCC-83-10 is substantively identical with File No. SR-NSCC-83-9, however, NSCC requested that the Commission grant the withdrawal of File No. SR-NSCC-83-9. Letter dated June 15, 1983, from Robert J. Woldow, Senior Vice-President and General Counsel, NSCC, to the Commission staff. On this basis, the Commission, in this Order, is granting NSCC's withdrawal request.

[2] Phase I of NSCC's new bond comparison system involved primarily NSCC internal computer changes, including various report format changes. Phase I was the subject to a proposed rule change filed with the Commission on July 28, 1982, and effective on that date under Section 19(b)(3)(A) of the Act. *See* File No. SR-NSCC-82-17, Securities Exchange Act Release No. 18998 (August 23, 1982), 47 FR 37989 (August 27, 1982). Phase II concerned, among other things, netting of bond transactions regardless of market of execution and adding an extra day's compared trades in NSCC's balance order accounting system. NSCC did not file Phase II with the Commission under Rule 19b-4.

[3] For example, the proposed rule change includes the "As Of" feature for trades executed through the New York Stock Exchange's Automated Bond System ("ABS"). The As Of feature enables participants to submit to NSCC a trade for comparison no more than three days after trade date. After an As Of is received by NSCC, NSCC generates an As Of Advisory to the trade's *contra* party, who may agree to the trade by accepting that Advisory and returning it to NSCC within two days of receipt. The As Of feature takes the place of a "CHC," which was functionally identical to an As Of, but required simultaneous agreement to the trade by both parties.

[4] The Commission previously approved, pursuant to delegated authority, NSCC's Demand As Of service for OTC equity trades. *See* File No. SR-NSCC-80-16, Securities Exchange Act Release No. 17123 (September 5, 1980), 45 FR 60100 (September 11, 1980). NSCC's Demand As Of service provides NSCC participants with a procedure for resolving aged, uncompared OTC equity transactions (*i.e.*, transactions that remain uncompared after NSCC's regular comparison cycle). For a detailed discussion of this service, *see* NSCC's Procedures, § II(C)(7) and Securities Exchange Act Release No. 17123. The Demand As Of service for OTC debt securities also enables NSCC participants partially to accept Regular and Demand As Of Advisories. The Commission, pursuant to delegated authority, recently approved partial acceptance of these Advisories. *See* File No. SR-NSCC-83-1, Securities Exchange Act Release No. 19530 (February 23, 1983), 48 FR 8618 (March 1, 1983). The Commission also approved by delegated authority NSCC's Demand Withhold service for deleting previously compared OTC equity trades. *See* File No. SR-NSCC-81-9, Securities Exchange Act Release No. 18203 (October 23, 1981), 46 FR 53565 (October 29, 1981). NSCC's Demand Withhold service enables a NSCC participant to cancel effectively an OTC equity trade previously compared in error at NSCC, absent timely objection from the *contra* party. For a detailed discussion of both the Regular Withhold and the Demand Withhold features, *See* NSCC Procedures, § II(C)(4) and Securities Exchange Act Release No. 18203.

[5] NSCC's current fee schedule includes similar scaled charges for OTC equity comparison processing. *See* NSCC's Procedures, Addendum A, *NSCC Fee Structure.*

[6] Moreover, the proposal carries over the same procedural safeguards that the Commission previously approved in connection with the Equity Comparison System. For example, NSCC's Demand Withhold service provides notice to the *contra* party of proposed cancellations. *See* Securities Exchange Act Release No. 18203.

and regulatory charges for participants. Accordingly, by extending the Demand As Of and Demand Withhold features to the OTC debt securities setting, the proposal should offer to participants engaged in OTC debt securities transactions, particularly municipal securities transactions, the same advantages currently being realized by participants using the Equity Comparison System.[7]

The Commission believes that, for several reasons, the graduated fees [8] for Demand Withheld Advisories are equitable and reasonable, as required by Section 17A(b)(3)(D) of the Act. First, the nominal fee increases [9] correlate with additional costs incurred by NSCC in carrying uncompared trade data additional time ("cost-based price differential"). Second, while some portion of these fee increases exceeds the cost-based price differential, the Commission believes that these increments serve to provide an appropriate incentive for participants to respond timely to Demand Withhold Advisories, thus facilitating the trade comparison process. Moreover, the graduated fees, including the non-cost-related increments, will promote efficiency and discipline among NSCC participants.[10]

Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies and, in particular, the requirements of Section 17A(b)(3) (A) and (F) of the Act. The proposal facilitates the prompt and accurate clearance and settlement of securities transactions for which NSCC is responsible, and the proposed fees appear to be equitable, consistent with Section 17A(b)(3)(D) of the Act.

Accordingly, it is therefore ordered, pursuant to Section 19(b)(2) of the Act, that proposed rule change SR–NSCC–83–10 be, and hereby is, approved and that proposed rule change SR–NSCC–83–9 be, and hereby is, withdrawn.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-23173 Filed 8-22-83; 8:45 am]

BILLING CODE 8010-01-M

[7] The proposal complements industry trends toward automated, efficient clearing agency services for municipal securities. *See, e.g.*, File No. SR–MSTC–83–2, Securities Exchange Act Release No. 19886 (June 20, 1983), 48 FR 29083 (June 24, 1983) (adopting rules and procedures applicable to bearer municipal bonds).

[8] NSCC's current scheme of graduated trade comparsion and recording service fees was filed with the Commission on December 7, 1981, and effective that date under Section 19(b)(3)(A) of the Act. *See* File No. SR–NSCC–81–16, Securities Exchange Act Release No. 18327 (December 11, 1981), 46 FR 61379 (December 16, 1981).

[9] Fees for Demand Withhold Advisories increase based on the type of response and response times: DK'd Advisories range from no charge to $.35; Accepted Advisories range from $.20 to $.35; and Automatic Acceptance (failure to respond within two days after receipt of the Advisory) costs the non-responsive participant $4.00.

[10] The Commission believes that the increments reasonably serve NSCC's purposes and should not unreasonably discourage participant use of the Demand Withhold Advisory service. In addition, because the scaled fee increases are modest, the Commission believes that the proposed fees do not constitute penalties.

[Rel. No. 13440; 812-5600]

New York Municipal Fund for Temporary Investment, Inc. and Henry M. Watts, Jr.; Filing of Application

August 16, 1983.

In the matter of New York Municipal Fund for Temporary Investment, Inc., Suite 204, Webster Building, 3411 Silverside Road, Wilmington, DE 19810 and Henry M. Watts, Jr., Mitchel, Schreiber, Watts & Co., Inc., 55 Broad Street, New York, NY 10004.

Notice is hereby given that New York Municipal Fund for Temporary Investment, Inc. ("Fund") registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company and Henry M. Watts, Jr., a proposed director of the Fund (collectively, "Applicants") filed an application on July 13, 1983, for an order of the Commission pursuant to section 6(c) of the Act declaring that Mr. Watts shall not be deemed to be an "interested person" of the Fund within the meaning of Section 2(a)(19) of the Act solely by reason of his being an officer, director and employee of Mitchel Schreiber, Watts & Co. ("Mitchel, Schreiber") a broker-dealer. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the complete text of the applicable provisions thereof.

The application describes the Fund as a Maryland corporation whose proposed investment objective is to provide investors with as high a level of current interest income exempt from Federal, New York State and New York City personal income taxes as is consistent with the preservation of capital and relative stability of principal. Applicants state that in furtherance of its investment objective, the Fund intends to offer shares in a portfolio consisting primarily of debt obligations issued by or on behalf of the state of New York and other states, territories and possessions of the United States, the District of Columbia and their authorities, agencies, instrumentalities and political subdivisions. According to the application, the Fund will maintain at least 80% of its assets in municipal securities except during defensive periods or during periods of unusual market conditions, and will not knowingly purchase securities the interest on which is subject to Federal income tax.

According to the application, the Fund's distributor is Shearson/American Express Inc. ("Shearson"). Applicants represent that purchase and redemption orders for Fund shares placed directly by shareholders with Shearson without the assistance of a broker-dealer or other person will be processed without charge (except redemption orders submitted by Shearson for its own brokerage customers). The Fund's investment adviser is Provident Institutional Management Corporation ("PIMC") and its subadviser is Provident National Bank ("Provident"). Applicants state that in connection with the execution of portfolio transactions on behalf of the Fund, PIMC will seek to obtain the best net price and the most favorable execution of its orders. Brokerage commissions, applicants allege, will not normally be paid on investments by the Fund, since purchases and sales of portfolio securities will usually be principal transactions. The Fund's administrator is The Boston Company Advisors, Inc. ("Boston Advisors"). According to the application, Boston Advisors, as administrator, will assist in supervising all Fund operations (other than those performed under the Fund's advisory, custodian and transfer agency agreements). Boston Advisors is a wholly-owned subsidiary of Shearson.

The application states that Mr. Watts is a proposed director of Fund and an officer, director emeritus and employee of Mitchel, Schreiber. Mitchel, Schreiber is represented to be wholly-owned by Angeles Corporation, a financial services corporation with operating subsidiaries engaged in real estate, investment counseling and investment advisory services. Applicants' represent that, historically, Mitchel, Schreiber's business has been limited to the technical execution and clearance of exchange-traded securities on behalf of other broker-dealers; it does not provide research analysis or other financial services and does not act as a dealer

with respect to any securities. The application states that at the present time, however, Mitchel, Schreiber conducts no active business other than occasional real estate transactions on behalf of its parent, although Mitchel, Schreiber also makes its seat on the New York Stock Exchange available to its parent. The application asserts further that in light of Mitchel, Schreiber's current business inactivity it is unlikely that Mitchel, Schreiber would ever have occasion to act as a broker or dealer directly or indirectly for the Fund.

Applicants state that Mitchel, Schreiber has no direct business relationship with PIMC, Provident, Boston Advisors or Shearson. Applicants further represent that pursuant to prior orders of the Commission, Mr. Watts currently is deemed not to be an "interested person" or Shearson, PIMC, Provident and certain investment compaines distributed or advised by them within the meaning of Section 2(a)(19) of the Act, by reason of his being an officer, director, and employee of Mitchel, Schreiber. Section 6(c) of the Act permits the Commission to grant an exemption by order upon application from any provision or provisions of the Act provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants maintain that Mr. Watts should not be deemed to be an "interested person" of the Fund by virtue of his association with Mitchel, Schreiber because Mitchel, Schreiber will have no occasion to have any direct or indirect relationship with the Fund and will have no direct or indirect relationship with PIMC, Provident, Boston Advisors or Shearson. Applicants maintain that, as a result, Mr. Watts' affiliation with Mitchel, Schreiber will not impair or otherwise affect his ability to exercise independent, disinterested judgment in the conduct of his office as a director of the Fund. Applicants submit that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In connection with the application, the following representations have also been made: (1) The Fund represents that it will not use Mitchel, Schreiber for portfolio transactions or for the distribution of its shares so long as Mr. Watts is a director of the Fund and also a director, director emeritus, officer or employee of Mitchel, Schreiber; and (2) the Fund, to the best of its knowledge, and Mr. Watts represent that since at least October 1, 1978, Mr. Watts has not had a material business or professional relationship with PIMC, Provident, Boston Advisors or Shearson, or with the principal executive officers of or any person controlling, controlled by or under common control with PIMC, Provident, Boston Advisors or Shearson.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than September 12, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request of upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-23170 Filed 8-22-83; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 13441; 812-5537]

The Paine Webber Equity Trust, Utility Stock Series 1 (and Subsequent Trusts and Similar Series of Trusts); Filing of Application

August 16, 1983.

Notice is hereby given that The Paine Webber Equity Trust, Utility Stock Series 1 ("Series 1") and subsequent trusts and similar series of trusts (collectively "Trusts"), unit investment trusts registered or to be registered under the Investment Company Act of 1940 ("Act"), and its sponsor, Paine, Webber, Jackson & Curtis Incorporated ("Sponsor," collectively with the Trusts, "Applicants") c/o Paine, Webber, Jackson & Curtis Incorporated, 140 Broadway, New York, NY 10005, filed an application on April 29, 1983, and an amendment thereto on July 18, 1983, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 14(a) of the Act and Rule 19b-1 thereunder, and for an order pursuant to Section 45(a) of the Act granting confidential treatment to the profit and loss statements of the Sponsor supplied in connection with certain registration statements filed with the Commission from time to time. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and rules thereunder for the text of applicable sections and rules.

The application states that Series 1 is a unit investment trust which will be organized under the laws of the State of New York. Sponsor presently intends to act as sponsor of Series 1 and proposes to act as sponsor for all Trusts. Applicants have filed a registration statement of Form S-6 under the Securities Act of 1933 for an indefinite number of units of undivided interests of Series 1 ("Units").

The application states that Series 1 and each future Trust will be governed by a trust agreement for that Trust ("Agreement") to be entered into prior to or on the date of the filing of the Trust's registration statement with the Commission under which the Sponsor will act as such, and United States Trust Company of New York will act as trustee ("Trustee") and evaluator. Pursuant to each Agreement, when the portfolio is completed the Sponsor will deposit with the Trustee not less than $100,000 aggregate value of the underlying common stock, preferred stock or other equity interests or any combination of or contracts to purchase the above ("Securities") which the Sponsor shall have accumulated for that purpose.

Simultaneously with the deposit ("Date of Deposit") the Trustee will deliver to the Sponsor registered certificates for Units ("Certificates") which will represent the entire ownership of the Trust. These Units are in turn to be offered for sale to the public by the Sponsor. According to the application, the Sponsor intends to offer from time to time additional Units issued by the Trust for sale to the public. In that event the Sponsor will deposit with the Trustee additional Securities acquired through an exchange or otherwise for deposit and selected on the basis of critieria set forth in the application, and the Trustee will deliver to the Sponsor Certificates for Units representing additional value to the Trust. Applicants note that the Securities will not be pledged or be in any other way subjected to any debt by the Trust at any time afer the Securities are deposited in the Trust.

The application states that each Trust will consist of the Securities, such

securities as may continue to be held from time to time in exchange or substitution for any of the Securities upon certain refundings, accrued and undistributed interest and undistributed cash. Initially each Unit for a particular Trust will represent a fractional undivided interest in that Trust. The numerator of the fractional interest represented will be 1; the denominator, the number of Units of the Trust then outstanding. Units will be redeemable by the Trustee. Applicants represent that in the event that any Units shall be redeemed, the denominator of the fraction will be reduced and the fractional undivided interest represented by such Units increased. As additional Units are issued in respect of the deposit of additional Securities pursuant to the provisions of the Agreement, the denominator of the fraction shall be increased and the fractional undivided interest represented by such Units shall be decreased. Units will remain outstanding until redeemed or until the termination of the Agreement.

The application further states that while the Sponsor is not obligated to do so, at the present time the Sponsor intends to maintain a market for the Units of Series 1 and subsequent Trusts, and continuously offer to purchase such Units at prices based on the most recent evaluation which is generally the same as the redemption price at the time of such evaluation for such Units. Applicants represent that the Trusts will not repurchase Units.

Applicants state that, at the Date of Deposit of the Securities for each Series and before any Unit of that Series is offered to the public, the Trust will have a new worth of not less than $100,000 represented by the market value of the Securities on that date. According to the application it is the intention of the Sponsor to sell all Units to the public at a public offering price disclosed in the Prospectus. Information concerning the Securities will be disclosed in the Prospectus. Applicants note again that while the Sponsor is not obligated to do so, it is the Sponsor's intention to maintain a secondary market for Units of Series 1 and subsequent Series at prices at least equal to the redemption value of the Securities as of the time of each regular evaluation of Securities. Although Applicants contend that this compliance with the requirements of Section 14(a)(1) eliminates the need also to comply with Section 14(a)(3), they request an exemption from Section 14(a)(3) to the extent necessary to permit them to operate as described above. Applicants maintain that separate compliance with Section 14(a)(3) of the Act under the circumstances described would increase the cost to the Sponsor of marketing the Units without creating any significant increase in the protection of Certificateholders.

In connection with the requested exemption from Section 14(a) of the Act, Applicants state that the Sponsor will refund, on demand and without deduction, all sales charges to purchases of Units of a Series if, within ninety days from the time that Series becomes effective under the Securities Act of 1933, the net worth of the Series shall be reduced to less than $100,000 or if the Series shall have been terminated. The Sponsor further undertakes to instruct the Trustee on the Date of Deposit of each Series that in the event that redemption by the Sponsor of Units constituting a part of the unsold Units shall result in that Series having a net worth of less than 20% of the aggregate value of Securities originally deposited in the Series, the Trustee shall terminate the Series in the manner provided in the Agreement and distribute any Security or other assets deposited with the Trustee pursuant to the Agreement as provided therein. The Sponsor further undertakes, in such event, to refund any sales charges to any purchaser of Units purchased from the Sponsor on demand and without deduction. Applicants consent to having any order granting the application conditioned upon their compliance with the undertaking summarized in this paragraph.

The application states that the Trust may receive amounts constituting capital gains in the hands of the Certificateholders, resulting from the sale of Securities to cover Units submitted for redemption at any time during the year or from the sale of securities in the limited events outlined in the application. According to the application, in order to comply strictly with the requirements of Rule 19b–1 under the Act, the Trustee would be forced to hold all such amounts until the end of its taxable year in order to ensure against a prohibited capital gain distribution, which, Applicants assert, would be to the detriment of the Certificateholders. Since the amounts involved in a normal distribution of principal are relatively small in comparison to the normal interest distribution, and since such distributions are clearly indicated in accompanying reports to Certificateholders as a return of principal, Applicants represent that the dangers which formed the rationale for Rule 19b–1 under the Act are not present in the operations of the Trust. Therefore, Applicants state that the granting of the requested exemption from the provisions of Rule 19b–1 under the Act would be consistent with the purposes and policies of the Act and that such an exemption would be in the best interest of the Certificateholders.

Finally, Applicants request confidential treatment for profit and loss statements of the Sponsor pursuant to Section 45(a) of the Act. Applicants submit that public disclosure of this financial information is neither necessary nor appropriate in the public interest or for the protection of investors. Investors in the Trust are not offered an opportunity to acquire any interest whatsoever in the Sponsor. Apart from the Sponsor's obligation under the Trust Agreement to recommend the disposition of underlying Securities (which obligations may be performed by the Trustee or successor Sponsor if not performed by the current Sponsor), the Sponsor functions solely as an underwriter of the Trusts. According to the application, there is no legitimate interest on the part of the investors in the public disclosure of the profit and loss statements of the underwriters, from whom the Units are purchased.

Applicants further state that, to the extent that the Sponsor's solvency may conceivably be thought relevant to the maintenance of the secondary market in the Units of the Trusts, the Sponsor's statement of financial condition which is filed with the Commission and various stock exchanges and is readily available to the public contains fully adequate information in this regard. Finally, Applicants assert that the financial operations of the Sponsor will in no way enhance or diminish the prospect for an orderly payment of the underlying Securities.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than September 6, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-23171 Filed 8-22-83; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 13442; 812-5568]

Union Bank of Switzerland and UBS Finance (Delaware) Inc.; Filing of Application

August 17, 1983.

Notice is hereby given that Union Bank of Switzerland ("UBS") and its wholly-owned subsidicary, UBS Finance (Delaware) Inc. ("Finance") (collectively "Applicants") c/o Michael W. Weir, Esq., Sullivan & Cromwell, 125 Broad Street, New York, New York 10004, filed an application on June 7, 1983, and an amendment there to on August 12, 1983, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940, as amended ("Act"), exempting Applicants from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the text of the Act for the various provisions thereof, including Section 6(c), pertinent to a consideration of the application.

UBS, chartered as a bank in Zurich in 1912, is represented to be one of the three major Swiss commercial banks and one of the world's major international banks. UBS states that its principal business, similar to that of major United States banks, is the receipt of deposits and the making of loans. As of December 31, 1982, approximately 77.3% of UBS's total liabilities and net worth consisted of deposits (including due to banks). UBS states that as of December 31, 1982, its loans and advances totalled approximately $23.4 billion and were widely diversified as to type of loan and type of borrower. The principal other elements of its assets consist of bills and money market papers and securities. In addition to the receipt of deposits and the making of loans and advances, UBS is represented to engage in other banking and bank-related acitivities typical of the world's major international banks. These include fiduciary, investment advisory and custodial services, lease financing, foreign exchange and underwriting in the Swiss and Euro-capital market.

UBS states that as a Swiss bank, it is subject to the Swiss Federal Law Relating to Banks and Savings Banks of November 8, 1934/March 11, 1971 and its Implementing Ordinance of May 17, 1972 as amended on December 1, 1980. These regulations are administered by the Federal Banking Commission and the Swiss National Bank. The application states that three of the most important regulatory tools are mandatory annual audits, specific capital requirements and specific liquidity requirements.

The application states that Finance was organized solely to provide a vehicle through which UBS may sell commercial paper to, among others, certain institutional purchasers who may be subject to a policy of limiting their purchases of debt obligations to obligations of domestic issuers. All the outstanding capital stock of Finance is owned by UBS, and no other common or capital stock will be issued.

UBS proposes to issue and sell, or to cause Finance to issue and sell, in the United States unsecured prime quality commercial paper notes (the "notes") in bearer form and denominated in United States dollars. Applicants state that the notes will be issued and sold (in denominations no smaller than $100,000) to a commercial paper dealer in the United States which will reoffer the notes as principal to investors in the United States. Applicants state that payment of the principal, interest and premium, if any, on notes issued and sold by Finance will be unconditionally guaranteed by UBS.

Applicants undertake to ensure that the notes will not be advertised or otherwise offered for sale to the general public, but instead will be sold by a dealer to institutional investors and other entities and individuals who normally purchase commercial paper notes. Applicants also undertake to ensure that the dealer will provide each offeree of the notes prior to purchase with a memorandum which briefly describes the business or UBS, including its most recent publicly available fiscal year-end balance sheet and profit and loss statement audited in such manner as is customarily done for UBS by its statutory auditors for financial statements in its Annual Report. Such memorandum will describe differences which are material to investors, if any, between the accounting principles applied in the preparation of such financial statements and "generally accepted accounting principles" employed by banks in the United States. Applicants undertake that such memorandum and financial statements will be at least as comprehensive as those customarily used by United States bank holding companies in offering commercial paper in the United States and will be updated promptly to reflect material changes in the financial condition of UBS.

Applicants represent that the terms of the notes, including their negotiability, maturity and minimum denomination, the amount outstanding at any given time and the manner of offering them to investors will be such as to qualify them for the exemption from registration under the Securities Act of 1933, as amended (the "1933 Act"), provided by Section 3(a)(3) of the 1933 Act. Applicants undertake that neither UBS nor Finance will issue and sell notes until it has received an opinion of its United States legal counsel that the notes would be entitled to such Section 3(a)(3) exemption. Applicants do not request Commission review or approval of United States counsel's opinion letter regarding the availability of an exemption under Section 3(a)(3) of the 1933 Act. Applicants represent that the presently proposed issue of notes and all future issues of debt securities (not including deposits) in the United States shall have received prior to issuance one of the three highest investment grades from at least one nationally recognized statistical rating organization and that their United States counsel shall have certified that such rating has been received; provided, however, that no such rating need be obtained with respect to any such issue if, in the opinion of United States counsel, such counsel having taken into account for the purpose thereof the doctrine of "integration" referred to in Rule 502 under the 1933 Act and various releases and relevant no-action letters made public by the Commission, an exemption from registration is available under Section 4(2) of the 1933 Act.

UBS may appoint a bank or other financial institution in the United States as its authorized agent to issue its notes from time to time. UBS undertakes to appoint either such financial institution, Finance, or some other United States person which normally acts in such capacity to accept any process which may be served in any action based on a note and instituted by the holder of such note in any State or Federal court. UBS undertakes that it will expressly accept the jurisdiction of any State or Federal court in the City and State of New York in respect of any such action. Such appointment of an authorized agent to accept service of process and such consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the notes have been paid by UBS. Furthermore, the application represents that UBS and Finance will also be subject to suit in any other court in the United States

which would have jurisdiction because of the manner of the offering of the notes or otherwise in connection with the notes. Applicants consent to any order granting this application being expressly conditioned on their compliance with the undertakings set forth above and the undertakings described below.

UBS may, from time to time, offer other debt securities, but not shares of its capital stock, for sale in the United States. Finance may also, from time to time, offer other debt securities for sale in the United States which will be unconditionally guaranteed by UBS. UBS and Finance undertake that any future offering of UBS's or Finance's securities in the United States will be done on the basis of disclosure documents at least as comprehensive in their description of UBS, its business and its financial condition as those customarily used by United States bank holding companies in offering similar securities under similar circumstances, and undertake to ensure that each offeree of such securities will be provided with such disclosure documents. UBS and Finance undertake that, for any future offering of UBS's or Finance's securities made pursuant to a registration statement under the 1933 Act, however, UBS and Finance will furnish a disclosure document to such persons and in such manner as may be required by the 1933 Act and the rules and regulations thereunder. UBS also undertakes, in connection with any future offering in the United States of its debt securities (not including deposits), to appoint a United States person as agent to accept any process which may be served in any action based on any such securities and instituted in any State or Federal court by the holder of such security. UBS further undertakes that it will expressly accept the jurisdiction of any State or Federal court in the city and State of New York in respect of any such action. Such appointment of an agent to accept service of process and such consent to jurisdiction will be irrevocable so long and as such securities remain outstanding and until all amounts due and to become due in respect of such securities have been paid.

In support of their requested exemptive relief, applicants state that, among other things, compliance by them with a number of substantive provisions of the Act would, as a practical matter, conflict with UBS's operation as a bank and lending institution and that UBS would thus be effectively precluded from selling securities in the United States if it were required to register as an investment company and comply with such provisions of the Act. Applicants also assert that to exclude foreign banks from selling securities in the United States would be both inherently inequitable and in direct conflict with the objective of the International Banking Act of 1978. Applicants state that the rationale for a Section 6(c) exemption for UBS extends to Finance as well because of the close relationship between the two companies and because the obligations of Finance will in effect be obligations of UBS, since the sole business of Finance is and will continue to be to operate as a financing vehicle for UBS.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than September 12, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-23172 Filed 8-22-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Presidential Advisory Committee on Small and Minority Business Ownership; Public Meeting

The Presidential Advisory Committee on Small and Minority Business Ownership, located in Washington, D.C., will hold a public meeting at 10:00 a.m. unitl 5:00 p.m., Wednesday, September 14, 1983, at the Small Business Administration, Second Floor Conference Room, Room 214, 1441 L Street, NW., Washington, D.C. 20416, to discuss such business as may be presented by the Committee members. The meeting will be open to the interested public, however, space is limited.

Persons wishing to present written statements should notify Mr. Milton Wilson, Jr., Office of Capital Ownership Development, Small Business Administration, Room 602, 1441 L Street, NW., Washington, D.C. 20416, (202) 653-6526, in writing or by telephone no later than September 9, 1983.

Dated: August 18, 1983.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 83-23178 Filed 8-22-83; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council Meeting

The U.S. Small Business Administration Region VII Advisory Council, located in the geographical area of Des Moines, will hold a public meeting at 10:00 a.m., on Tuesday, September 13, 1983, at Greater Des Moines Chamber of Commerce Briefing Center, 33rd Floor, Ruan Building, 7th & Locust, Des Monies, Iowa, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Conrad E. Lawlor, District Director, U.S. Small Business Administration, 210 Walnut, Room 749, Des Moines, Iowa 50309—(515) 284-4567.

Jean M. Nowak,

Director, Office of Advisory Councils.

August 16, 1983.

[FR Doc. 83-23174 Filed 8-22-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/653]

Advisory Committee to United States Section International North Pacific Fisheries Commission; Partially Closed Meeting

The Advisory Committee to the United States Section, International North Pacific Fisheries Commission, will meet on September 30, 1983, at the Old Federal Building, 605 West 4th Ave., Anchorage, Alaska, at 9:00 a.m. This session will discuss the 1978 Protocol to the International Convention for the High Seas Fisheries of the North Pacific Ocean, surveillance of foreign fishing fleets, the progress of fisheries research, particularly that for Dall porpoise, the Alaska salmon fisheries, and fishery developments as they affect the International North Pacific Fisheries Commission. The session will be open to the public.

The Advisory Committee will also meet from 1:30 p.m. to 5:00 p.m. on September 30 and from 9:00 a.m. to 12:00 p.m. on October 1, 1983. These sessions

will not be open to the public inasmuch as the discussion will involve classified matters pertaining to the United States negotiating position to be taken at the 30th Annual Meeting of the International North Pacific Fisheries Commission to be held in Anchorage, Alaska, during November 1–4, 1983. Pursuant to section 4(c) of the North Pacific Fisheries Act of 1954, as amended, 16 U.S.C. 1023(c) which provides that the "advisory committee * * * shall be granted opportunity to examine and to be heard on all proposed programs of study and investigation, reports, and recomendations of the United States Section," the members of the Advisory Committee will examine various options for the negotiating position at the Annual Meeting, and these considerations must necessarily involve review of classified matters. Accordingly the determination has been made to close this session pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. I, § 10(d) and 5 U.S.C. 552b (c)(1) and (c)(9).

Requests for further information on the meeting should be directed to Ms. Christine Dawson, Pacific Fisheries Officer, Room 5806 (OES/OFA), U.S. Department of State, Washington, D.C. 20520. Ms. Dawson can be reached by telephone on (202) 632–2009.

Dated: August 11, 1983.

Theodore G. Kronmiller,

Deputy Assistant Secretary for Oceans and Fisheries Affairs.

[FR Doc. 83–23084 Filed 8–22–83; 8:45 am]

BILLING CODE 4710–09–M

[Public Notice CM–8/651]

Study Group B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on September 12, 1983 at 10:00 a.m. in Room 6320, Department of State, 2201 C Street, NW., Washington, D.C. This Study Group deals with international telegraph operations.

The purpose of the meeting will be to review a contribution to CCITT Study Group VIII/Working Party 1 (Videotex) from the Videotex Experts Group on a World-Wide Unified Videotex Standard (WWUVS). A document on this subject is to be considered at the meeting of Study Group VIII/Working Party 1 scheduled for Ottawa, September 19–24, 1983.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is suggested that prior to September 12, persons who plan to attend so advise Mr. Earl Barbely, Department of State, Washington, D.C. 20520; telephone (202) 632–3405. All attendees must use the C Street entrance to the building.

Dated: August 11, 1983.

Richard E. Shrum,

Acting Director, Office of International Communications Policy.

[FR Doc. 83–23086 Filed 8–22–83; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice CM–8/652]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Working Group on Bulk Chemicals; Meeting

The U.S. Safety of Life at Sea (SOLAS) Subcommittee Working Group on Bulk Chemicals will conduct an open meeting on September 20, 1983, at 9:30 a.m., in Room 1303 of the Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, D.C. 20593.

The purpose of the meeting will be to discuss the agenda for the twelfth session of the International Maritime Organization (IMO) Subcommittee on Bulk Chemicals which will be held October 10–14 in London. Major items on the agenda are:

a. Procedures and arrangements for the discharge of noxious liquid substances,

b. Extension of the Bulk Chemical Code to cover pollution aspects,

c. Implementation of requirements to provide adequate reception facilities,

d. Interpretation and updating of the International Bulk Chemical Codes, and

e. Inert gas requirements for chemical tankers and gas carriers.

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. Frits Wybenga, U.S. Coast Guard (G–MTH–1), Washington, D.C. 20593. Telephone: (202) 426–1217.

Dated: August 10, 1983.

Gordon S. Brown,

Chairman, Shipping Coordinating Committee.

[FR Doc. 83–23085 Filed 8–22–83; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice CM–8/654]

National Bipartisan Commission on Central America; Closed Meeting

The National Bipartisan Commission on Central America will meet at 10 a.m. on Wednesday, August 31, 1983, in Room 1105, Department of State, Washington, D.C. It will continue its meeting on Thursday, September 1.

These sessions will be closed to the public pursuant to section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b (c)(1) and (c)(9). The disclosure of classified material and revelation of considerations contributing to policy development could adversely affect U.S. foreign relations and would substantially undermine the conduct of U.S. foreign policy and the ability of the Commission to provide advice to the President, the Secretary of State and the Congress. The purpose of these meetings will be to consider the views of prominent former Federal officials concerning the issues to be considered by the Commission.

In light of the requirement that the Commission report to the President in the near future, and the consequent need for the Commission to continue its deliberations without delay, it has been impossible to provide earlier notice of this meeting or to reschedule it to a later date.

Requests for further information should be directed to Sharon Mussomeli, Room 1004, Department of State. She may be reached by telephone on (202) 632–7804.

Dated: August 19, 1983.

Gerald M. Sutton,

Acting Executive Director.

[FR Doc. 83–23270 Filed 8–22–83; 8:45 am]

BILLING CODE 4710–29–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Douglas County, Oregon

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Douglas County.

FOR FURTHER INFORMATION CONTACT: Richard R. Arnold, Environmental

Coordinator and Safety Programs Engineer, Federal Highway Administration, Equitable Center, Suite 100, 530 Center NE, Salem, Oregon 97301, Telephone: (503) 399-5749.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Oregon Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to construct a new freeway interchange on Interstate 5, 1500 feet north of General Avenue and across from Isabell Avenue in the City of Roseburg, Douglas County, Oregon.

The project will provide new access from the Oakland-Shady Highway to I-5 where there is now no access. The project will reduce traffic congestion at the Garden Valley Interchange, south of this proposed project, in the City of Roseburg. Traffic on the Oakland-Shady Highway in North Roseburg will likely increase but traffic in Roseburg near the Garden Valley Interchange will decrease.

The project has potential for land use impacts, noise increases at abutting residences, and changes in traffic patterns, particularly on the Oakland-Shady Highway. By opening access to the Oakland-Shady Highway and I-5 with an interchange, the project will likely precipitate commercial development around the interchange, and possibly along the Oakland-Shady Highway.

Information describing the proposed action will be sent to the appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Public meetings will be held, as may be necessary, and a public hearing will be held. No formal scoping meeting is planned at this time.

Comments or questions concerning this proposed action, and the EIS, should be directed to the FHWA at the address provided above.

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

Issued on August 16, 1983.

E. J. Valach,

Program Development Engineer, Oregon Division, Salem, Oregon.

[FR Doc. 83-23083 Filed 8-22-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular Public Debt Serise—No. 25-83]

Treasury Notes of August 31, 1985; Series X-1985

August 18, 1983.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $8,000,000,000 of United States securities, designated Treasury Notes of August 31, 1985, Series X-1985 (CUSIP No. 912827 PW 6). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated August 31, 1983, and will bear interest from that date, payable on a semiannual basis on February 29 and August 31, 1984; and February 28 and August 31, 1985. They will mature August 31, 1985, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, August 24, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, August 23, 1983, and received no later than Wednesday, August 31, 1983.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds;

international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Wednesday, August 31, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, August 29, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-23208 Filed 8-19-83; 1:07 pm]

BILLING CODE 4810-40-M

Fiscal Service

[Dept. Circ. 570, 1983 Rev., Supp. No. 2]

Surety Companies Acceptable on Federal Bonds; Guard Casualty & Surety Insurance Co.

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 9304 to 9308 Title 31 of the United States Code. An underwriting limitation of $204,000 has been established for the company.

Name of Company: Guard Casualty & Surety Insurance Company.

Business Address: 129 East Market Street, Suite 400, Indianapolis, IN 46204.

State of Incorporation: Indiana.

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1983 Revision, at page 30534 to reflect this addition. Copies of the circular, when issued, may be obtained from the Operations Staff, Banking and Cash Management, Department of the Treasury, Washington, DC 20226.

Dated: August 15, 1983.

W. E. Douglas,

Commissioner.

[FR Doc. 83-23076 Filed 8-22-83; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 164
Tuesday, August 23, 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

TIME AND DATE: 10 a.m., Thursday, August 25, 1983.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTER TO BE CONSIDERED:

Relighting Instructions for Gas Applicances

The Commission will meet with manufacturers of combination control valves used on gas appliances to discuss instructions for lighting/relighting the appliances.

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 Avenue, Bethesda, MD 20207; 301-492-6800.

[S-1201-83 Filed 8-19-83; 11:31 am]

BILLING CODE 6355-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:50 a.m. on Wednesday, August 17, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.; Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

Memorandum re: Awarding a Contract for the Development of the Strategic Design for the Division of Liquidation's Asset Management Information System.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Doyle L. Arnold, acting in the place stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(4), and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), and (c)(6)).

Dated: August 17, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1202-83 Filed 8-19-83; 11:35 am]

BILLING CODE 6714-01-M

3

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m. Monday, August 29, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposal to seek a formal opinion in connection with disclosure requirements, chiefly under the Board's consumer regulations.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: August 19, 1981.

James McAfee,

Associate Secretary of the Board.

[S-1205-83 Filed 8-19-83; 3:46 pm]

BILLING CODE 6210-01-M

4

NEIGHBORHOOD REINVESTMENT CORPORATION

Regular Meeting

TIME AND DATE: 2:30 p.m., Friday, August 26, 1983.

PLACE: Neighborhood Reinvestment Corporation, 1850 K Street NW., Suite 400, Washington, DC 20006.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Timonthy McCarthy, Associate Director, Communications, 202-653-2705.

Agenda

I. Call to Order and Remarks of the Chairman
II. Approval of Minutes, May 25, 1983
III. Executive Director's Report
IV. Treasurer's Report
V. Personnel Committee Report
VI. Budget Committee Report:
  Approval of FY 1983 Budget Reallocations
  Approval of FY 1984 Line-item Budget
  Approval of FY 1985 Budget Submission
VII. Amendment of Bylaws

[No. 29, August 19, 1983]

Carol J. McCabe,

Secretary.

[S-1206-83 Filed 8-19-83; 3:47 pm]

BILLLING CODE 0000-00-M

5

POSTAL SERVICE

Board of Governors

Amendment of Notice of Vote to Close Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 37335, August 17, 1983.

PREVIOUSLY ANNOUNCED DATE OF MEETING: August 29, 1983.

CHANGE: Meeting date changed to September 7, 1983.

CONTACT PERSON FOR MORE INFORMATION: David F. Harris (202) 245-3734.

David F. Harris,

Secretary.

[S-1204-83 Filed 8-19-83; 2:19 pm]

BILLING CODE 7710-12-M

6

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

ACTION: Notice of meeting.

SUMMARY: Interested members of the public are advised that a meeting of the Board of Directors of the United States Synthetic Fuels Corporation will be held on the date and at the time and place specified below. This public announcement is made pursuant to the open meeting requirements of Section 116(f) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1) and Section 4 of the Corporation's Statement of Policy on Public Access to Board Meetings. During the meeting, the Board of Directors will consider a resolution to close a portion of the meeting pursuant to Article II, Section 4 of the Corporation's By-laws, Section 116(f) of the said Act and Section 4 and 5 of said Policy.

MATTERS TO BE CONSIDERED:

Chairman's Opening Remarks
Approval of Minutes
Operations Report of the Executive Vice President
Consideration of Organizational Matters
Resolution to Close Meeting

Closed Session (Room 403):

Review of Project Strategies

In addition, the Board of Directors will consider such other matters as may be properly brought before the meeting.

DATE AND TIME: August 29, 1983 at 9:00 a.m. (e.d.t.).

PLACE: Room 503, 2121 K Street NW., Washington, D.C. 20586.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting, please contact Mr. Owen J. Malone, Legal Services Group (202) 822-6336.

August 19, 1983.
United States Synthetic Fuels Corporation.
Jimmie R. Bowen,
Executive Vice President.

[S-1203-83 Filed 8-19-83; 12:20 pm]

federal register

Tuesday
August 23, 1983

Part II

Department of Labor

Wage and Hour Division

Migrant and Seasonal Agricultural Worker Protection Regulations; Correction

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 500

Migrant and Seasonal Agricultural Worker Protection Regulations; Correction

AGENCY: Wage and Hour Division, Labor.

ACTION: Final rule; Correction.

SUMMARY: This document corrects the final text of Regulation 29 CFR Part 500, implementing the Migrant and Seasonal Agricultural Worker Protection Act (Pub. L. 97–470) 29 U.S.C., 1801 et seq. (MSPA), which was published on August 12, 1983 (48 FR 36736). This action is necessary to remove a comma in § 500.20(e) so as to correctly reflect the statutory language. This document also adds the forms listed as being in the Appendix.

FOR FURTHER INFORMATION CONTACT: Mr. William M. Otter, Administrator, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523–8305.

PART 500—[AMENDED]

The following corrections are made in FR Doc. 83–21665 appearing on page 36736 in the issue of August 12, 1983:

§ 500.20 [Corrected]

1. On page 36745, column one, the seventh line in § 500.20(e) is corrected by removing the comma so as to read "U.S.C. 3121(g)) and the handling,".

§ Appendices [Corrected]

2. On page 36765, add to the end of the document the forms constituting Appendix A, B, C, D as set forth below.

Signed at Washington, D.C. this 17th day of August, 1983.

William M. Otter,

Administrator, Wage and Hour Division, Employment Standards Administration.

BILLING CODE 4510-27-M

APPENDIX A

Migrant and Seasonal Agricultural Worker Protection Act

This federal law requires agricultural employers, agricultural associations, farm labor contractors and their employees to observe certain labor standards when employing migrant and seasonal farmworkers unless specific exemptions apply. Further, farm labor contractors are required to register with the U.S. Department of Labor.

Migrant and Seasonal Farmworkers Have These Rights

- To receive accurate information about wages and working conditions for the prospective employment
- To receive this information in writing and in English, Spanish or other languages, as appropriate
- To have the terms of the working arrangement upheld
- To have farm labor contractors show proof of registration at the time of recruitment
- To be paid wages when due
- To receive itemized, written statements of earnings for each pay period
- To purchase goods from the source of their choice
- To be transported in vehicles which are properly insured and operated by licensed drivers, and which meet federal and state safety standards
- For migrant farmworkers who are provided housing
  - * To be housed in property which meets federal and state safety and health standards
  - * To have the housing information presented to them in writing at the time of recruitment
  - * To have posted in a conspicuous place at the housing site or presented to them a statement of the terms and conditions of occupancy, if any

Workers who believe their rights under the act have been violated may file complaints with the department's Wage and Hour Division or may file suit directly in federal district court. The law prohibits employers from discriminating against workers who file complaints, testify or in any way exercise their rights on their own behalf or on behalf of others. Complaints of such discrimination must be filed with the division within 180 days of the alleged event.

For further information, get in touch with the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

The law requires employers to display this poster where employees can readily see it.

Ley de Protección de Trabajadores Migrantes y Temporales en la Agricultura

Esta ley federal exige que los patrones agrícolas, las asociaciones agrícolas, los contratistas de mano de obra agrícola (o troqueros), y sus empleados cumplan con ciertas normas laborales cuando ocupan a los trabajadores migrantes y temporales en la agricultura, a menos que se apliquen excepciones específicas. Los contratistas, o troqueros, tienen además la obligación de registrarse con el Departamento del Trabajo.

Los Trabajadores Migrantes y Temporales en la Agricultura Tienen los Derechos Siguientes

- Recibir detalles exactos sobre el salario y las condiciones de trabajo del empleo futuro
- Recibir estos datos por escrito en inglés, en español, o en otro idioma que sea apropiado
- Cumplimiento de todas las condiciones de trabajo como fueron presentadas cuando se les hizo la oferta de trabajo
- Al ser reclutados para un trabajo, ver una prueba de que el contratista se haya registrado con el Departamento del Trabajo
- Cobrar el salario en la fecha fijada
- Recibir cada día de pago un recibo indicando el salario y la razón de cualquier deducción
- Comprar mercancías al comerciante que ellos escojan
- Ser transportados en vehículos que tengan seguros adecuados y que hayan pasado las inspecciones federales y estatales de seguridad, y conducidos por choferes que tengan permisos de manejar
- Las garantías para los trabajadores migrantes a quienes se les proporcionen viviendas o alojamiento
  - * Viviendas que satisfazcan los requisitos federales y estatales de seguridad y de sanidad
  - * Al ser reclutados, recibir por escrito informes sobre las viviendas y su costo
  - * Recibir de su patron un aviso escrito explicando las condiciones de ocupación de la vivienda, o que tal aviso esté colocado en un lugar visible de la vivienda

Los trabajadores que crean haber sufrido una violación de sus derechos pueden presentar sus quejas a la División de Salarios y Horas o pueden presentar una demanda directamente a los tribunales federales. La ley prohibe cualquier discriminación o sanción hacia los trabajadores que presenten tales quejas, que hagan declaraciones, o que reclamen de cualquier manera sus derechos, sea a beneficio de sí mismos o a beneficio de otros. Hay que presentar las quejas de discriminación o de sanción a la división dentro de 180 días del suceso.

En caso de que se necesite más información, comuníquense con la oficina de la División de Salarios y Horas más cercana, que aparece en la mayoría de los directorios telefónicos bajo el título U.S. Government, Department of Labor.

Departamento del Trabajo de los EE.UU.
Administración de Normas de Empleo
División de Salarios y Horas

La ley exige que los patrones fijen este aviso en un lugar donde puedan verlo fácilmente los trabajadores.

APPENDIX B

MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT

WORKER INFORMATION

1. Place of employment

2. Period of employment

From _____ To _____

3. Wage rates to be paid

Hourly $ _____

Piece rate $ _____ per _____

4. Crops and kinds of activities

5. Transportation and other benefits, if any

Transportation _____ charges _____

Unemployment compensation insurance provided ☐ Yes ☐ No
Worker's compensation insurance provided ☐ Yes ☐ No

Other benefits _____ charges _____

6. For migrant workers who will be housed, the kind of housing available and cost, if any

_____ charges _____

7. List any strike, work stoppage, slowdown, or interruption of operation by employees at the place where the workers will be employed (If there are no strikes, etc., enter "None")

8. List any arrangements which have been made with establishment owners or agents for the payment of a commission or other benefits for sales made to the workers (if there are no such arrangements, enter "None")

Name of person providing this information

The Migrant and Seasonal Agricultural Worker Protection Act requires the disclosure in writing of the foregoing information to migrant and day-haul workers upon recruitment, and to seasonal workers other than day-haul workers upon request when an offer of employment is made. This optional form may be used to provide the required information.

Thereafter, any migrant or seasonal worker has the right to have, upon request, a written statement provided to him by his employer of the information described above. The optional form may also be used for this second requirement.

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

Form WH-516 (Apr. 1983)

LA LEY DE PROTECCION DE TRABAJADORES MIGRANTES Y TEMPORALES EN LA AGRICULTURA

INFORMACION PARA LOS TRABAJADORES

1. Lugar de empleo

2. Período de empleo

Desde el _____ Hasta el _____

3. Base de pago

Por hora $ _____

Por contrato $ _____ por _____

4. Clases de cultivos y de trabajo

5. Transportación y cualquier beneficio adicional que sea proporcionado

Transportación _____

Costo al trabajador _____

Beneficios adicionales _____

Costo al trabajador _____

Se provee seguro de trabajo bajo la ley de impuestos de desempleo.
☐ sí ☐ no

Se provee seguro de compensación de trabajo. ☐ sí ☐ no

6. Para los trabajadores a quienes se les proporcionen viviendas, la clase de viviendas y cualquier costa

_____ Costo al _____

_____ trabajador _____

7. Indique si hay una huelga, un paro de trabajo, una huelga intermitente, o una interrupción del trabajo efectuada por trabajadores en el lugar donde van a trabajar (si no hay ninguna huelga, etc., escriba "Ninguna")

8. Indique si el patrón tiene acuerdos con comerciantes o agentes de los cuales recibe una comisión u otro beneficio por las compras que los trabajadores hagan (si no existe tal acuerdo, escriba "Ninguno")

Nombre de la persona que proporciona esta información

La Ley Protección de Trabajadores Migrantes y Temporales en la Agricultura exige que reciban estos datos por escrito al ser reclutados los trabajadores migrantes y los que se reúnen diariamente en algún lugar para ser reclutados, ocupados, y transportados al lugar de empleo. La ley también les concede a los trabajadores temporales el derecho de pedir esta información cuando se les haga una oferta de trabajo. El patrón puede utilizar esta forma para proporcionar los informes necesarios.

De ahí en adelante los trabajadores migrantes y temporales tienen derecho de pedirle a su patrón que les dé una declaración escrita persentando todos los datos a los cuales se refiere más arriba. El patrón puede utilizar esta forma también para este segundo propósito.

Departamento del Trabajo de los EE. UU.
Administración de Normas de Empleo
División de Salarios y Horas

APPENDIX C

HOUSING TERMS AND CONDITIONS

Important Notice to Migrant Agricultural Worker: The Migrant and Seasonal Agricultural Worker Protection Act requires the furnishing of the following information.

1. This housing is provided by

   Name _____

   Address _____

   _____

2. Individual(s) in charge

   Name _____

   Address _____

   _____

   Phone _____

3. Mailing address of housing facility

   Address _____

   _____
   City & state/Zip code

   Phone _____

4. Conditions of occupancy

Who may live in housing facility
Charges made for housing (if none, so state)
Meals provided (if none, so state)
Charges for utilities (if none, so state)
Other charges, if any
Other conditions of occupancy

Important Notice to Farm Labor Contractor, Agricultural Employer, or Agricultural Association:

This form may be used for the disclosure required by section 201(c) of the act. It must be posted in a conspicuous place or presented to each worker in English, Spanish, or another language, as appropriate.

CONDICIONES DE OCUPACION DE LA VIVIENDA

Aviso Importante Para el Trabajador Migrante en la Agricultura: La Ley de Protección de Trabajadores Migrantes y Temporales en la Agricultura exige que Ud. conozca los informes siguientes.

1. Dueño de la vivienda (casa, apartamento, etc.)

   Nombre _____

   Dirección _____

   _____

2. Persona encargada de la vivienda

   Nombre _____

   Dirección _____

   _____

   Teléfono _____

3. Dirección de la vivienda

   Número y calle _____

   _____
   Ciudad y estado/número ZIP

   Teléfono _____

4. Condiciones de ocupación

Personas que pueden ocupar la vivienda
Renta por semana: $___ por mes: $___(si no se cobra, escriba "Ningún costo al trabajador")
Comida (si no proporciona comida, escriba "Ninguna comida")
Costo de la comida (si no hay, escriba "Ningún costo al trabajador")
Costo de la luz, el agua, el gas, etc. (si no hay, escriba "Ningún costo al trabajador)
Cualquier otro costo
Otras condiciones de ocupación

Aviso Importante Para el Contratista de Mano de Obra Agrícola (el Troquero), el Patrón, o la Asociación Agrícola:

Puede utilizar esta forma para darles a los trabajadores migrantes los informes que exige la sección 201(c) de la ley. Tiene que exhibirlo en un lugar donde puedan verlo fácilmente los trabajadores o presentarle una copia a cada trabajador, y tiene que usar el inglés, el español, u otro idioma que sea apropiado.

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

Departamento del Trabajo de los EE. UU.
Administración de Normas de Empleo
División de Salarios y Horas

Form WH-521 (Apr. 1983)

APPENDIX D (English)

Employee _____ Social Security No. _____

Address _____

Workweek Ending (Month, day, year)

Day/Date	Sun/	Mon/	Tues/	Wed/	Thurs/	Fri/	Sat/
Starting Time							
Quitting Time							
Hours Worked							
Crop/Task Units Done							
Rate of Pay (Hourly or Piece Rate)							
Daily Pay							

Total Hours Worked in Week

Total Gross Pay

ITEMIZED DEDUCTIONS

FICA	
Federal Tax	
State Tax	
Rent	
Food	
Transportation	
Other	
Other	
Other	
Total Deductions	
Net Pay (Amount Due Employees)	Date Paid:

Employer _____

Address _____

Social Security Employer I.D. No. _____

Note: Properly filled out, this form will satisfy the requirements of sections 201(d) (2) and 301(c) (2) of the Migrant and Seasonal Agricultural Worker Protection Act. The act requires farm labor contractors, agricultural employers and agricultural associations to make, keep and preserve records for three years of the above information. Each worker must be given an itemized statement of this information covering each pay period. This is an optional form which may be used to comply with the Act.

Instructions are on the reverse.

Form WH-501 (April 1983)

INSTRUCTIONS

IDENTIFYING INFORMATION: **Employee** – Enter employee's full name and Social Security number. **Address** – Enter Employee's permanent address. **Employer Address** – Enter name of the employer making the payment, the permanent address of the employer and the Social Security employer identification number. The employer may preprint his name, address, and Social Security employer identification number.

PAYROLL INFORMATION: **Workweek Ending** – Enter the month, day and year on which the employee's payroll workweek ends. **Day/Date** – Enter the calendar date of the day worked. **Starting Time – Quitting Time** – Enter the time work started and ended each day. **Hours Worked** – Enter the total time actually worked each day. Subtract **bona fide** meal periods. **Crop/Task – Units Done** – Enter the kind of work (such as picking oranges per bin). Enter the number of units produced if the employee is paid on a piece work or task basis. **Rate of Pay** – Enter the hourly or piece rate of pay. **Daily Pay** – Enter the amount of the daily pay computed at the hourly and/or piece rate.

WEEKLY TOTALS: **Total Hours Worked in Week** – Total the daily hours worked and enter the total. **Total Gross Pay** – Total the daily pay and enter the total.

ITEMIZED DEDUCTIONS: **FICA** (Social Security) – Enter amount withheld. **Federal Tax** – Enter the amount withheld. **State Tax** – Enter the amount withheld. **Rent, Food, Transportation, and Other** – Enter deductions, if made, for each. Identify the purpose of "other" deductions. **Total Deductions** – Enter total deductions in right column and then transfer to left. Subtract total deductions from total Gross Pay – Enter the result as **Net Pay** (Amount Due Employee). Enter date worker is paid.

APPENDIX D (Spanish)

OMB No. 1215-0148
Expires: 03-31-85

Trabajador _____ Número del Seguro Social _____

Dirección _____

Fin de la semana trabajada (mes, día, año)

Día/fecha	domingo/	lunes/	martes/	miércoles/	jueves/	viernes/	sábado/	Total de horas trabajadas en la semana	DEDUCCIONES	
Hora de comenzar									Impuesto del Seguro Social	
Hora de terminar									Impuesto federal	
Horas trabajadas									Impuesto estatal	
Cultivo/trabajo Unidades terminadas									Renta	
								Salario bruto	Comida	
									Transportación	
									Otra deducción	
Base de pago (por hora o por contrato)									Otra deducción	
Salario diario									Otra deducción	
									Total de deducciones	
									Salario neto (Cantidad debida al trabajador)	Día de pago

Patrón _____

Dirección _____

Número de identidad del patrón para el Seguro Social _____

Aviso: Al llenar correctamente esta forma, el patrón satisface los requisitos de las secciones 201(d) (2) y 301(c) (2) de la Ley de Protección de Trabajadores Migrantes y Temporales en la Agricultura. Esta ley exige que los contratistas de mano de obra agrícola (los troqueros), los patrones agrícolas, y las asociaciones agrícolas lleven libros o cuentas que contengan los datos citados anteriormente, y que los preserven por tres años. Cada día de pago el patrón tiene que darles a los trabajadores un recibo que indique el método de determinar el salario y la razón de cualquier deducción. Se puede utilizar esta forma para cumplir con la ley.

Form WH-501(a) (April 1983)

INSTRUCCIONES

IDENTIDAD: **Trabajador y su dirección** — Anote el nombre y apellido del trabajador, su número de Seguro Social, y su domicilio permanente. **Patrón y su dirección** — Anote el nombre del patrón quien les paga a los trabajadores, su domicilio permanente, y su número de identidad para el Seguro Social. El patrón puede imprimir por anticipado su nombre, su dirección, y su número de identidad.

REMUNERACION DEL TRABAJADOR: **Fin de la semana trabajada** — Anote el mes, el día, y el año en que termina la semana de trabajo. **Día/fecha** — Anote la fecha del día de trabajo. **Hora de comenzar y hora de terminar** — Para cada día, anote la hora de comenzar el trabajo y la hora de terminarlo. **Horas trabajadas** — Anote el total de horas trabajadas cada día. Puede excluir el tiempo verdaderamente concedido para las comidas. **Cultivo/trabajo y unidades terminadas** —Anote la clase de trabajo (por ejemplo, el piscar naranjas en canastas, cajas, etc.). Si le paga por contrato al trabajador, anote el número de unidades de trabajo terminadas. **Base de pago** — Anote el salario por hora o por contrato. **Salario diario** — Anote el salario diario que se calcula a base del salario por hora, del salario por contrato, o de ambos.

TOTALES PARA LA SEMANA: **Total de horas trabajadas en la semana** — Sume las horas trabajadas cada día y anote el total. **Salario bruto** — Sume los salario diarios y anote el total.

DEDUCCIONES: **Impuesto del Seguro Social** — Anote la cantidad deducida. **Impuesto federal** — Anote la cantidad deducida. **Impuesto estatal** — Anote la cantidad deducida. **Renta, comida, transportación, y otra deducción** — Anote cualquier deducción de estas categorías. Identifique la clase de la "otra deducción." **Total de deducciones** — Anote el total de deducciones en la columna de la derecha y luego en la columna de la izquierda. Reste el total de las deducciones al salario bruto, y anote el resto como el **salario neto**. Anote la fecha en que se lo paga al trabajador como el **día de pago**.

☆ U.S. Government Printing Office: 1983—406-840

[FR Doc. 83-22667 Filed 8-22-83; 8:45 am]
BILLING CODE 4510-27-C

29 CFR Part 500

Migrant and Seasonal Agricultural Worker Protection Regulations

Correction

In FR Doc. 83-21665 beginning on page 36736 in the issue for Friday, August 12, 1983, make the following changes:

1. On page 36743, in the second column, lines 8 and 9 of § 500.1(d), remove the words "migrant or seasonal agricultural workers".

2. On page 36754, third column, in § 500.102(g), in line 5, the word "standard", should be "standards", and in line 8, "United Stated" should be "United States".

3. On page 36755, the third column, in § 500.105(b)(1)(ii)(G), the reference to "paragraph (b)(8)" in line 10 should be changed to refer to "paragraph (b)(1)(ii)(H)".

4. On page 36757, in § 500.105(b)(2)(xv), in the first column, the second line, reference to "§ 500.105(b)(3)(f)" should be changed to refer to " paragraph (b)(3)(vi)(E)". Also, on the same page, (§ 500.105(b)(3)(vi)(J), in the third column, 6 lines from the bottom, reference to "(f)(6)" should be changed to refer to "(b)(3)(vi)(F)".

BILLING CODE 1505-01-M

federal register

Tuesday
August 23, 1983

Part III

Nuclear Regulatory Commission

Monthly Notice; Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

NUCLEAR REGULATORY COMMISSION

Monthly Notice; Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (Pub. L.) 97–415, the Nuclear Regulatory Commission (the Commission) is publishing its regular monthly notice. Pub. L. 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This monthly notice includes all amendments issued, or proposed to be issued, since the date of publication of the last monthly notice which was published on July 20, 1983 (48 FR 33076–33103), through August 15, 1983.

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By September 26, 1983 the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene to filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of this subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene becomes parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment to make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so

inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Branch Chief):* petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner had made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the local public document room for the particular facility involved.

Alabama Power Company, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendment request: October 25, 1982.

Description of amendment request: The proposed change would modify the frequency for licensee's audits of the Facility Emergency Program from every 24 months to every 12 months.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for making a "no significant hazard considerations" determination by providing certain example (48 FR 14870). One of the examples is a change to make a license conform to the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations. The proposed change was identified to the licensee in our Generic Letter No. 82–17 dated October 1, 1982, as a needed change to be consistent with the regulations, 10 CFR 50.54(t). The proposed change matches this example. Another example given by the Commission which also applies is a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications; for example, a more stringent surveillance requirement. The frequency of audits required by the licensee would be doubled from the previously required. On these bases, the staff proposes to determine that this change involves no significant hazards considerations.

Local Public Document Room Location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Attorney for licensee: George F. Trowbridge, Esquire, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Alabama Power Company, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Dates of amendments request: November 16, 1982, as supplemented February 1, 1983 and June 29, 1983.

Description of amendments request: The proposed amendments would consist of Technical Specification changes including two licensee requests and one supplement. Our preliminary review indicates the changes could be made without significant technical or safety implications. The changes fit into three general groups:

1. Most changes would be strictly editorial corrections and changes in nomenclature or numbers of fire hydrants, smoke detectors and isolation sensors located in various tables of the Technical Specifications.

2. Two changes would correct the Technical Specifications to agree with Commission regulations 10 CFR 50.49 and 10 CFR 73.55.

3. Two of the changes would revise organizational charts to reflect current facility and offsite groups. The facility organization would be expanded to add a quality control supervisor and a plant modification supervisor, other minor changes would be made consistent with the changes in titles. The offsite organization changes would revise one management title to show that the Plant Manager reports directly to higher management. The title of General Manager—Nuclear Generation would become Manager Nuclear Operations and Administration. The Plant Manager would report directly to the offsite Vice-President Nuclear Generation.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards considered not likely to involve a significant hazards consideration (48 FR 14870). Example "(i) A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature."

Certain of the changes appear to fit into this example: Changing P–4 to P–11 on page ¾ 3–24 would correct an error, as would changing sensor locations of the high energy line break isolation sensors in Table 3.3–10, changing or adding fire detection instrumentation in Table 3.3–12, changing "breaker" to "disconnect device" on page ¾ 5–2 and ¾ 5–4, correcting the approximated reactor coolant system pressure to reflect the actual plant pressure range for RHR system automatic isolation and interlock action, correcting the specifications to show the recently installed 8-inch vent valve which replaced the old 18-inch valve, correcting a table listing fire hydrants to clearly note which hydrants are used or shared between units, and deletion of a test exemption no longer applicable.

The proposed change in the licensee's audit frequency for the Security Plan from every 24 months to every 12 months fits Commission example "(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement." Also, since regulation 10 CFR 73.55(g)(4) requires the Technical Specification to be modified, this change fits into Commission example "(vii) A change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations."

Adminstrative Technical Specification 6.16 are schedular requirements for qualification of electrical equipment. The Commission has revised the schedular requirements by regulation 10 CFR 50.49. This change would only correct the Technical Specification by deleting the schedules which are no longer applicable. This change would fit Commission example (vii) stated above.

Technical Specification 7.1 was a test exemption during the augmented low power test program. Since the program was completed on Unit No. 2 during the startup test program prior to Cycle 1 operation the specification is no longer applicable.

The licensee proposed deletion of the Technical Specification 7.1 as an administrative correction consistent

with the Commission example (i) stated above. We agree.

The last two changes would notify the organizational structure of the facility organization and the offsite organization.

(1) The proposed facility organization would expand with new positions of Quality Control Supervisor and Plant Modification Supervisor both intended as efficiency improvements in the areas of quality control and plant modifications at the reactor sites. It is an expansion of the Performance and Planning Group. The licensee has stated the change is administrative. Figure 6.2–2 is in the Administrative Controls part of the Technical Specifications. However, the change might also appropriately fit into Commission example "(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement."

(2) The proposed offsite organization changes would allow direct reporting of the plant manager to the headquarters officer responsible for the plant. This direct reporting should enhance nuclear safety by the direct line of communication between the plant manager and the corporate officer of the company directly responsible for nuclear operations. The licensee has stated the change is administrative to correct Technical Specifications based on a corporate organizational change and is consistent with Commission item (i). Although the changes do not strictly fit the cited example, the changes appear to strengthen the organizational structure and would not appear to involve a significant hazards consideration.

Accordingly, based on our preliminary review, the Commission proposes to determine that these changes do not involve a significant hazards consideration.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Attorney for licensee: George F. Trowbridge, Esquire, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Alabama Power Company, Docket No. 50–364, Joseph M. Farley Nuclear Plant, Unit No. 2, Houston, County, Alabama

Date of amendment request: November 24, 1982.

Description of amendment request: The amendment would add requirements to the Technical Specifications which the Commission required to be added after the first refueling outage. These additions include: (1) a tabulation of containment penetration overcurrent protection devices added per License Condition 2.C.(19)(b), (2) changes to the containment ventilation system to reflect the newly installed 8-inch vent valves added per License Condition 2.C.(17) and (3) a listing of safety-related mechanical snubbers added per Technical Specification Table 3.7–4b notation.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for making a no significant hazard determination by providing certain examples (48 FR 14870). The example which fits the proposed amendment is "(ii) A Change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: For example, a more stringent surveillance requirement." During the licensing process for Unit 2 certain License Conditions were imposed by the Commission to assure that future changes were made to the design of plant systems. The addition of containment penetration overcurrent protection devices and a smaller containment ventilation vent valve were required by the end of the first refueling outage. The proposed amendment would add the list of overcurrent protection devices and would reflect the smaller 8-inch ventilation valve. In addition, Technical Specification Table 3.7–4b contained a note which required the licensee to provide a list of safety-related mechanical snubbers following the first refueling outage. The licensee has proposed the listing. On the basis that these changes are considered additional restrictions being put into the Technical Specifications, the Commission proposes to determine that the amendment request does not involve a significant hazards consideration.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Attorney for licensee: George F. Trowbridge, Esquire, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Alabama Power Company, Docket No. 50–364, Joseph M. Farley Nuclear Plant, Unit No. 2, Houston, County, Alabama

Date of amendment request: December 10, 1982

Description of amendment request: The amendment would modify Technical Specifications to delete eight (8) non-safety related hydraulic snubbers from Table 3.7–4a. The change was proposed as an administrative change by the licensee's application date December 10, 1982.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for making a no significant hazards consideration determination by providing certain examples (48 FR 14870). The example which the proposed amendment fits is: "(i) A purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature."

The licensee has stated that the deletion of eight (8) non-safety related hydraulic snubbers from Technical Specification Table 3.7–4a is admininistrative. We agree. Table 3.7–4a is a 24-page listing of safety related hydraulic snubbers identified by the licensee when the Technical Specifications were developed for issuance of the initial operating license. The licensee has now identified errors in this extensive list of snubbers. Since these snubbers are located on the main steam piping inside the turbine building and are not required for any safety related function, the Technical Specification Table should be corrected. Otherwise, unnecessary surveillance tests and operability criteria are imposed for these non-safety related snubbers. The Commission intends that only safety related snubbers be subjected to these restrictions. Therefore, the Commission proposes to determine that the amendment would not involve a significant hazards consideration.

Local Public Document Room location: George S. Houston, Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Attorney for the licensee: George F. Trowbridge, Esquire, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Alabama Power Company, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2

Date of amendment request: December 30, 1982.

Description of amendment request: The amendments revise two related parts of the Technical Specifications: one for the river water system and the other for the two associated diesel generators (DG's). These DG's provide emergency power to the river water pumps. The river water system provides

makeup water to the seismically designed pond which then provides to both plants the service water and a source of cooling water in case of a loss of coolant accident. Both the river water system and the 100 acre pond are identified as "ultimate heat sink" in the existing Technical Specifications. The amendments would delete the river water system limiting condition for operation and the surveillance tests entirely and would reduce the diesel generator 18 month load test value for two of five diesel generators by about eight percent. The load test value is determined by the maximum calculated accident load which would be reduced by deletion of the river water system as an accident load.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning application of these standards by providing certain examples (48 FR 14870) considered not likely to involve significant hazards consideration. One of these examples relates to a change which may reduce in some way a safety margin, but the results of the change are clearly within all acceptable criteria specified in the Standard Review Plan. The deletion of Technical Specifications for the river water system would not mean that the river water system with six pumps would be deleted from the facility. But, the Technical Specification requirements would be deleted. The river water pumps would be available as needed to transfer makeup water from the river to the 100 acre seismically designed pond. The pond is the actual ultimate heat sink. The existing limiting condition for operation and the surveillance requirements for the pond would remain in the Technical Specifications. When the pond water level drops below the lower limit, 48 hours is allowed to recover the level or both plants would be in hot shutdown. This requirement remains unchanged.

Thus, the change being made would only bring the Technical Specifications in conformance with our current requirments. The plant as licensed is in conformance with General Design Criteria and specifically conforms to Regulatory Guide 1.27 referenced in Standard Review Plan 9.2.5 when Unit 2 was licensed. The diesel generator load limit change fits the Commission's example of a purely administrative change to Technical Specifications to reduce to upper load limit to a value required after elimination of the river water pumps as emergency loads. The reduction in the 18 month surveillance load limit value by about 8% is insignificant and is administrative in nature.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Attorney for the Licensee: George F. Trowbridge, Esquire, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Alabama Power Company, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Power Plant, Unit Nos. 1 and 2, Birmingham, Alabma

Date of amendment request: April 6, 1983.

Description of amendment request: The change would correct an administrative error in the Technical Specifications by deleting applicability of a footnote for Item 1.e. in Table 3.3–3. The change is being made at the Commissions request to correct the error found during the NRC staff review of multiplant Item B–32, Blocked Safety Injection Signal During Cooldown. The footnote is clearly in error as the logic circuitry is designed not to allow the bypass which the footnote indicates is available in Mode 3. A high differential pressure between steam lines will initiate safety injection, turbine trip and feedwater isolation in Modes 1, 2 and 3. A bypass during Mode 3 is erroneously indicated by a symbol (##) which will be deleted by this amendment.

Basis for proposed no significant hazards consideration determination: The Commission has provided examples of amendments not likely to involve significant hazards considerations (48 FR 14870). One of these examples relates to a purely administrative change to correct an error in Technical Specifications. This deletion of the footnote applicability symbol fits the example.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Attorney for licensee: George F. Trowbridge, Esquire, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A.Varga.

Alabama Power Company, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Unit No. 2, Houston County, Alabama

Date of amendment request: May 3, 1983, supplemented July 29, 1983.

Description of amendment request: The proposed amendments would modify the Technical Specification surveillance requirements for the auxiliary building and service water batteries. The existing surveillance requirements were developed by the licensee and approved by the Commission during the licensing of Farley Unit 2. Subsequently, Unit 1 surveillances were made identical to the Unit 2 requirements for consistency. These surveillance requirements include load tests and checks of such things as battery voltage, electrolyte level, specific gravity, and general battery conditions at specified intervals of time to assure continued operability. The licensee's proposed changes would update the surveillances to conform to the newer format of the Commission's Standard Technical Specifications (NUREG–0452 Revision 4) based on a more recent IEEE standard than was used earlier. Some minor exceptions to the newer standards are also proposed by the licensee.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards considered not to involve a significant hazards consideration by providing certain examples (48 FR 14870). By letter of July 29, 1983, the licensee evaluated the proposed changes and stated that their determination is consistent with example (vi).

This Commission example is "(vi) A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method."

On this basis, the licensee has determined that a significant hazards consideration is not involved in accordance with 10 CFR 50.92. The Commission's preliminary review indicates that the changes would be clearly within all acceptable criteria with respect to the battery system surveillances and would be in conformance with the latest revision of NUREG–0452 and with the Standard Review Plan. For these reasons, the Commission proposes to determine that the amendment involves no significant hazards consideration.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Attorney for licensee: George F. Trowbridge, Esquire, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Alabama Power Company, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plants, Units 1 and 2, Houston County, Alabama

Date of amendment request: June 6, 1983.

Description of amendment request: The proposed change would modify the Technical Specifications in the Administrative Controls section based on NUREG–0737, Item I.A.1.3. By Generic Letters the Commission advised licensees of the need to establish guidelines for overtime of operating personnel. The proposed amendment would incorporate these guidelines.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning application of standards considered not to involve significant hazards consideration by providing certain examples (48 FR 14870). One of the examples which is similar to the proposed change is "(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement."

The licensee states that the change incorporates current practices and reflects commitments made previously. However, the additional restriction to be put into the Technical Specification would assure that personnel who perform safety-related functions would be assigned duties in accordance with Commission approved guidelines of NUREG–0737. Therefore, on the basis, the staff proposes to determine that this change involves no significant hazards considerations.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Attorney for licensee: George F. Trowbridge, Esquire, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Alabama Power Company, Docket No. 50–384, Joseph M. Farley Nuclear Plant, Unit No. 1, Houston County, Alabama

Date of amendment request: June 17, 1983, supplemented on July 8, 1983.

Description of amendment request: The Technical Specifications would be amended on a one-time basis to extend a required visual inspection of inaccessible hydraulic snubbers for about three months or until the next shutdown of sufficient duration. The visual inspecxtion is a reinspection required six months ± 25% subsequent to inspections which revealed two inoperable snubbers. During the fourth refueling outage which ended mid-January 1983 two snubbers were declared inoperable by the licensee. This required repair and would require a subsequent six month reinspection of all inaccessible snubbers. Such reinspection would require plant shutdown to cold conditions. The licensee has requested relief from this Technical Specification requirement until the fifth refueling outage unless a five day shoutdown to cold condition occurs in the interim period.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards considered as no significant hazards considerations (48 FR 14870). The licensee by supplemental application dated July 8, 1983, has stated that the one-time change is consistent with Commission example (vi). Example (vi) is restated here.

"(vi) A change which either may result in some increases to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method."

Our preliminary evaluation is that we agree with the licensee's determination which was stated as follows:

Both snubbers that were declared inoperable had extenuating circumstances (loss of fluid by personnel error during inspection on one snubber and mechanical interference on the other snubber) with no evidence of generic failure mechanisms. The snubbers were repaired and retested with satisfactory results. Previous engineering analysis/review has shown that the failure of a single support on a seismic line would not adversely affect the capability of the line to withstand a seismic event (due to design conservatism). Previous inspections have been conducted at each refueling to verify snubber operability and the maximum number of inoperable snubbers identified at any inspection has been 1 or 2 with several inspections identifying no inoperable snubbers. Additionally, the Farley Nuclear Plant site resides in an area where seismic risk has been determined to be minimal by ESSA/Coast and Geodetic Survey. The probability of a seismic event during the extension period of three months is insignificant for the Farley Nuclear Plant site. Although this change may result in some increase in the consequences of a previously analyzed accident, the results of the change do not violate criteria with respect to the system or component specified in the Standard Review Plan.

Accordingly, on this basis and on the basis of our preliminary review the Commission proposes to determine that the one-time change dose not involve a significant hazards consideration.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Attorney for licensee: George F. Trowbridge, Esquire, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Arkansas Power and Light Company, Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: March 9, 1979, supplemented September 5, 1980.

Description of amendment request: The amendment would permit operation after approval of changes to the Radiological Effluent Technical Specifications that would bring them into compliance with Appendix I of 10 CFR Part 50. It provides new Technical Specification sections defining limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring; concentration, dose and treatment of liquid, gaseous and solid wastes; total dose; radiological environmental monitoring that consists of a monitoring program, land use census, and interlaboratory comparison program. This change would also incorporate into the Technical Specifications the bases that support the operation and surveillance requirements. In addition, some changes would be made in administrative controls, specifically dealing with the process control program and the offsit dose calculation manual. The proposed amendment would remove the current Radiological Effluent Technical Specifications from the Appendix "B" Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications.

The Commission, in a revision to Appendix I, 10 CFR Part 50 required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement, it became necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This caused the addition of Technical Specifications described above. The staff proposes to determine that the application does not involve a significant hazards consideration since the change constitutes additional restrictions and controls that are not currently included in the Technical Specifications in order to meet the Commission mandated release of "as low as is reasonably achievable".

Local Public Document Room location: Arkansas Tech University, Russellville, Arkansas.

Attorney for licensee: Nicholas S. Reynolds, Debevoise and Liberman, 1200 17th Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

Arkansas Power and Light Company, Docket No. 50-313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: October 31, 1980.

Description of amendment request: The amendment would change the Technical Specifications to provide that: (1) The pressurizer electromatic relief valve (ERV) be operational with a setpoint of 2450 psig or the associated block valve would be closed, and (2) a special report be submitted if the ERV is not operational for more than a 24-hour period.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement. The licensee's proposed amendment would provide a new Technical Specification requirement which would provide more stringent operational requirements on the ERV and provide additional reporting requirements concerning the operation of the ERV. On this basis, the staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Arkansas Tech University, Russellville, Arkansas.

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NRC Branch Chief: John F. Stolz.

Arkansas Power and Light Company, Docket No. 50-313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: August 8, 1983.

Description of amendment request: The amendment would change the Technical Specifications to require a delay in the installation in the Davis-Besse 1 (DB-1) reactor of the ANO-1 reactor vessel materials properties capsule ANI-F from prior to the fourth DB-1 cycle to the fifth DB-1 cycle. Additionally, capsule ANI-D would be inserted in DB-1 location YZ rather than WZ, and the capsule ANI-F, which would be scheduled for insertion in the DB-1 reactor prior to the fifth DB-1 cycle, would be inserted in location YX instead of YZ.

This change would allow the Babcock and Wilcox (B&W) Owners Group research capsule DB-LGI to remain in the DB-1 reactor and accumulate neutron fluence equivalent to the fluence at the ¼T location of a typical B&W 177FA plant at the end of life.

The delay in inserting ANO-F would have no adverse effect on the ANI-1 Reactor Vessel Surveillance Program (RVSP) because it contains only base and Heat Affected Zone materials (no weld metal) which are not expected to affect operating limits of the plant. The ANI-F capsule would be irradiated to a level approximately equivalent to the expected peak fluence at the end of life at the inside surface of the ANO-1 reactor vessel and then held as a standby capsule as specified by 10 CFR 50, Appendix H, and ASTM E-185.

The proposed changes in capsule locations would have no effect on the ANO-1 RVSP as the proposed locations are in the same relative positions to the core as those in the current insertion schedule.

Basis for proposed no significant hazards consideration determination: The data from the ANO-1 RVSP provides the basis for the operating limits of the ANO-1 reactor which are related to the safety settings. However, because capsule ANI-F is a spare capsule and does not contain samples of weld material, which is controlling, the data resulting from ANI-F capsule samples after irradiation in the DB-1 would not change the basis for the operating limits of ANO-1. This information is obtained from other capsules, unaffected by the proposed amendment. Also, since the proposed change in location of the ANI-D capsule would be in the same relative position of the core, there would be no effect on the ANO-1 RVSP. Therefore, the proposed amendment would not provide a relaxation of the bases for limiting safety settings. Furthermore, the amendment has no effect on the present operation of the facility, and thus would not result in a significant increases in the probability or consequences of an accident previously considered, or a significant reduction in a margin of safety, nor create the possibility of an accident new and different from an accident previously considered.

On this basis, the Commission proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room Location: Arkansas Tech University, Russellville, Arkansas.

Attorney for licensee: Nicholas S. Reynolds, Debevoise and Liberman, 1200 17th Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

Arkansas Power and Light Company, Docket Nos. 50-313 and 50-368, Arkansas Nuclear One, Unit Nos. 1 and 2, Pope County, Arkansas

Date of amendment request: October 31, 1980.

Description of amendment request: The amendments would revise the Technical Specifications to incorporate hydrogen/oxygen concentration limitations and hydrogen/oxygen monitoring requirements in the radioactive waste gas systems. The application was submitted in response to an NRC request to incorporate the applicable current staff positions, presented in NUREG-0472, "Radiological Effluent Technical Specifications for PWRs," to ensure compliance with 10 CFR 50, Appendix I. The implementation of the proposed changes is expected to reduce significantly the likelihood of hydrogen explosions in the radioactive waste gas systems.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards include changes that constitute

additional limitations not presently included in the Technical Specifications and that make the license conform to changes in the regulations. Since the proposed changes add requirements and ensure compliance with the regulations in accordance with staff positions, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room Location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for licensee: Nicholas S. Reynolds, Esq., Debevoise and Liberman, 1200 Seventeenth Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Robert A. Clark, John F. Stolz.

Arkansas Power and Light Company, Docket Nos. 50–313 and 50–368, Arkansas Nuclear One, Unit Nos. 1 and 2, Pope County, Arkansas

Date of amendment request: February 23, 1983 and April 18, 1983.

Description of amendment request: The amendments would revise the Technical Specifications to reflect a recent reorganization of the Energy Supply Department of Arkansas Power & Light Company (AP&L) and the position title change of the Assistant Vice President, Nuclear Operations, to the Vice President, Nuclear Operations. The reorganization has resulted in changes in the membership of the AP&L Safety Review Committee (SRC). However, the effectiveness of the independent review and audit function of the SRC would not be reduced as a result of the change in the membership of the SRC in that the appropriate technical disciplines necessary for the noted function would still be represented in the new make-up of the SRC. In addition, the SRC would report to the Vice President, Nuclear Operations, since he has been designated as the AP&L Senior Nuclear Management Representative. The amendments would also correct typographical errors and the proper designation of the ANO General Manager and the Administrator of the NRC Regional Office where noted.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the applications of these standards by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations relates to a purely administrative change to the Technical Specifications. The change in title of utility management, the correcting of typographical errors, and the designation of the ANO General Manager and the Administrator of the NRC Regional Office where noted are considered administrative in nature. In addition, the change in the membership of the SRC resulting from the reorganization and the reporting of the SRC to the Vice President, Nuclear Operations, would not reduce the effectiveness of the SRC as discussed in the description of the amendments. Thus, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for licensee: Nicholas S. Reynolds, Esq., c/o DeBevoise & Liberman, 1200 Seventeenth Street, N.W., Washington, D.C. 20036.

NRC Branch Chiefs: Robert A. Clark and John F. Stolz.

Arkansas Power and Light Company, Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: May 10, 1979, March 11, 1983 and June 29, 1983.

Description of amendment request: The amendment would permit operation after approval of changes to the Radiological Effluent Technical Specifications that would bring them into compliance with Appendix I of 10 CFR Part 50. It provides new Technical Specification sections defining limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring; concentration, dose and treatment of liquid, gaseous and solid wastes; total dose; radiological environmental monitoring that consists of a monitoring program, land use census, and interlaboratory comparison program. This change would also incorporate into the Technical Specifications the bases that support the operation and survillance requirements. In addition, some changes would be made in administrative controls, specifically dealing with the process control program and the offsite dose calculation manual. The proposed amendment would remove the current Radiological Effluent Technical Specifications from the Appendix "B" Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications.

The Commission, in a revision to Appendix I, 10 CFR Part 50 required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement, it became necessary to add additional restrictions and controls to the Technical Specificationsto assure compliance. This caused the addition of Technical Specifications described above. The staff proposes to determine that the application does not involve a significant hazards consideration since the change constitutes additional restrictions and controls that are not currently included in the Technical Specifications in order to meet the Commission mandated release of "as low as is reasonably achievable".

Local Public Document Room Location: Arkansas Tech University, Russellville, Arkansas.

Attorney for licensee: Nicholas S. Reynolds, Esq., DeBevoise & Liberman, 1200 Seventeenth Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Robert A. Clark.

Arkansas Power and Light Company, Docket No. 50–368 Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: September 17, 1980.

Description of amendment request: The amendment would revise the Technical Specifications to incorporate a periodic flow test requirement for the emergency feedwater system in order to verify the normal flow path from the emergency feedwater system water source to the steam generators. The periodic flow test would ensure its operability by verification of proper flow path. The proposed amendment was submitted in accordance with the staff's safety evaluation report on the emergency feedwater system dated November 6, 1979 which required the above-mentioned flow test.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards include actions which involve a change that constitutes an additional limitation, restriction or control not

presently included in the Technical Specifications.

The proposed change matches this example, since the above periodic flow test requirement is not presently included in the Technical Specifications. Therefore, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for licensee: Nicholas S. Reynolds, Esq., c/o DeBevoise & Liberman, 1200 Seventeenth Street N.W., Washington, D.C. 20036.

NRC Branch Chief: Robert A. Clark.

Boston Edison Company, Docket No. 50–392, Pilgrim Nuclear Power Station, Plymouth County, Massachusestts

Date of amendment request: March 15, 1979.

Description of amendment request: Technical Specification changes to implement the requirements of 10 CFR 50.55a(g) pertaining to inservice inspection and testing to provide assurance that the structural integrity and operability of systems and components important to safety are maintained. The proposed amendment would add surveillance requirements to the Pilgrim operating license to provide for (a) inservice inspection of safety-related components, and (b) operability testing of safety-related pumps and valves in accordance with Section XI of the ASME Boiler and Pressure Vessel Code and applicable addenda as required by 10 CFR 50.55a(g), except where specific written relief has been granted by the NRC.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of the standards for determining whether a significant hazards consideration exists by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). One such amendment involves a change to make a license conform to changes in the regulations,where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

The change proposed by the licensee is intended to implement 10 CFR 50.55a(g), which pertains to inservice inspection of safety-related components, and inservice testing of safety-related pumps and valves to assess operational readiness. This amendment, therefore, reflects changes to make the Pilgrim Nuclear Power Station license conform to changes in the regulations. Since the licensee is presently obligated by these regulations to perform inservice inspection of components and inservice testing of pumps and valves, this license change will only result in very minor changes to facility operations which are clearly in keeping with the regulations.

Therefore, since the application for amendment involves proposed changes that are similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Publiic Document Room location: Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W. S. Stowe, Esquire, Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199.

NRC Branch Chief: Domenic B. Vassallo.

Boston Edison Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of amendment request: August 30, 1982.

Description of amendment request: Technical Specification (TS) changes to allow controlled liquid effluent batch releases from points other than the radwaste facility, such as the neutralizing sump. This change is requested to eliminate the need to physically transport waste through buildings and to reduce the opportunity for and consequences of human error or equipment failure.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of the standards for determining whether a significant hazard consideration exists by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). One such amendment involves a change which either may result in some increase in the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with repsect to the system or component specified in the Standard Review Plan: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method. The change proposed by the license would permit controlled liquid effluent batch releases from points other than the radwaste facility provided that certain conditions pertaining to dilution flow, sampling, analysis, discharge flow path valve line-up, other simultaneous liquid releases, verification of effluent flow calculations and manning are satisfied. These changes are clearly within all acceptable criteria for batch releases contained in Section 11.5 of the Standard Review Plan (SRP) "Process and Effluent Radiological Monitoring Instrumentation and Sampling Systems" which is the applicable section of the SRP for the systems involved. Therefore, since the application for amendment involves proposed changes that are similar to the examples for which no significant hazards consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W. S. Stowe, Esq., Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199.

NRC Branch Chief: Domenic B. Vassallo.

Boston Edison Company, Docket No. 50–293, Pilgram Nuclear Power Station, Plymouth, Massachusetts

Date of amendment request: April 5, 1983.

Description of amendment request: Technical Specification changes to permit operation with increased safety relief valve (SRV) setpoints to enable an increased pressure differential between operating pressure and SRV pressure setpoints.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of the standards for determining whether a significant hazards consideration exists by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). One such amendment is a change which may result in some increase in the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan.

The licensee has proposed a 20 psi increase in safety relief valve setpoints with a return to normal reactor operating pressure (an increase of 10 psi above the present reduced operation

pressure) to enable a 10 psi increase in the difference between reactor operating pressure and SRV setpoint pressure. This change has been requested because operating data demonstrate that such an increase in pressure difference will reduce the probability of SRV pilot valve leakage.

The proposed change in SRV setpoints affects only those events which result in SRV actuations to limit system pressure. Although the increased setpoint may in some way reduce a safety margin, analyses have demonstrated that the increased setpoints are within acceptable criteria of the Standard Review Plan. Therefore, since the application for amendment involves proposed changes that are similar to the examples for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W. S. Stowe, Esq., Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199.

NRC Branch Chief: Domenic B. Vassallo.

Boston Edison Company, Docket No. 50-293, Pilgram Nuclear Power Station, Plymouth, Massachusetts

Date of amendment request: April 15, 1983.

Description of amendment request: Technical Specification (TS) changes to incorporate revised radiological effluent and environmental monitoring limiting conditions for operation, action statements, and surveillance requirements. The proposed changes are in response to NRC requests of July 11, 1978 and November 15, 1978 and supersede in its entirety a licensee submittal of February 21, 1979. The proposed changes are intended to implement the design objectives and requirements of 10 CFR 50.34(a), 10 CFR 50.36a, 10 CFR 20, 10 CFR 50 Appendix A, General Design Criteria 60 and 64 and 40 CFR 190.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of the standards for determining whether a significant hazards consideration exists by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). One such amendment involves a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

The change proposed by the licensee is intended to implement: 10 CFR 50.34(a), whcih pertains to Design Objectives for equipment to control releases of radioactive materials in effluents from nuclear power reactors; 10 CFR 50.36a, which pertains to technical specifications on effluents from nuclear power reactors; 10 CFR 20, which pertains, in part, to the controlled release of radioactive materials in liquid and gaseous effluents; 10 CFR 50, Appendix A, General Design Criteria 60, which pertains to control of releases of radioactive materials to the environment and 64, which pertains to monitoring radioactivity releases; and 40 CFR 190, which pertains to radiation doses to the public from operations associated with the entire uranium fuel cycle. This amendment, therefore, reflects changes to make the Pilgrim license conform to changs in the regulations. Since the licensee is presently obligated by these regulations to control and limit offsite releases of radioactive materials to levels which are as low as is reasonably achieveable, this license change will only result in very minor changes to facility operations which are clearly in keeping with the regulations.

Therefore, since the application for amendment involves proposed changes that are similar to the examples for which no significant hazards consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W. S. Stowe, Esq., Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199.

NRC Branch Chief: Domenic B. Vassallo.

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of amendment request: May 31, 1983.

Description of amendment request: Technical Specification changes to (1) reflect an expansion of the operating region of Pilgrim's power/flow map, and (2) provide associated changes in the Average Power Range Monitor (APRM) flux scram and APRM rod block trip settings. These changes would allow operational flexibility by permitting a more rapid return to full power following a brief power reduction.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of the standards for determining whether a significant hazards consideration exists by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). One such amendment is a change which either may result in some increase in the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: For example, a change resulting from the application of a small refinement of a previously used calculational model or design method. The change proposed by the licensee would expand the operating region of Pilgrim's power/flow map and provide associated changes in the APRM flux scram and APRM rod block trip settings. Chapter 3 of the Pilgrim Final Safety Analysis Report (FSAR) describes the basic operating envelope within which normal reactor operations are conducted. Subsequent analyses were conducted to justify expansion of this operating region utilizing previously employed calculational models. These analyses considered a revised end-of-cycle target exposure distribution which was reflected in a September 1982 Supplemental Reload Licensing Submittal for Cycle 6 operation. These changes therefore reflect the application of a small refinement of a previously used calculation model. Therefore, since the application for amendment involves proposed changes that are similar to the examples for which no significant hazards consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W. S. Stowe, Esq., Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199.

NRC Branch Chief: Domenic B. Vassallo.

Carolina Power & Light Company, Docket Nos. 50-325 and 50-324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of amendment request: July 21, 1981.

Description of amendment request: The licensee has proposed changes to the technical specifications in response

to NRC's February 26, 1981 letter from Mr. D. G. Eisenhut which transmitted NUREG–0313, Revision 1 "Technical Report on Material Selection and Processing Guidelines for BWR Coolant Pressure Boundary Piping" (Generic Activity A–42). For the Brunswick Steam Electric Plant (BSEP) Unit Nos. 1 and 2, Carolina Power & Light Company (CP&L) was asked to identify nonconforming piping and provide a schedule for the replacement of "service sensitive" nonconforming piping. CP&L (the licensee) was requested to propose appropriate technical specifications changes for surveillance and operational leakage.

The changes proposed by the licensee would add a requirement that all ASME Code Class 1 and 2 piping conform to the guidelines stated in NUREG–0313 Revision 1 and impose an additional restriction on leakage from the reactor collant system. Both of these changes would be additional limiting conditions for operation that are not presently included in the technical specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of amendments which are not likely to involve significant hazards consideration include a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. The proposed changes are encompassed by this example because additional limitations will be aded to the Technical Specifications by specifying new Limiting Conditions for Operation. The changes were proposed at the request of the NRC and will specify limitations to assure safe operation of the plant with regard to the integrity of the reactor coolant piping. Therefore, since the application for amendment involves proposed changes that are similar to an example which is not likely to involve significant hazards considerations, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Attorney for licensee: George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Carolina Power & Light Company, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of amendment request: March 16, 1982.

Description of amendment request: This amendment would modify the technical specifications to correct an erroneous instrument number and add requirements regarding the operability, set point response time and surveillance of a time delay relay to be incorporated in the steam line break detection circuitry of the High Pressure Coolant Injection (HPCI) and Reactor Core Isolation Cooling (RCIC) Systems as recommended in Item II.K.3.15 of NUREG–0737, "Clarification of the TMI Action Plan Requirements."

An administrative correction would be made to the existing Technical Specifications (TS) Table 3.3.2–2, Item 4.a.7, HPCI Steam Line Area Temperature-High. Two instrument numbers are listed under this item: 51–dTS–N604C,D is incorrect and redundant and would be deleted; E51–dTS–N604C,D is correct and would remain in the TS. This change would provide consistent reference to this instrument in TS Table 3.3.2–2 when compared to TS Tables 3.3.2–1 and 3.3.2.–3.,

The purpose of the time delay relay (TDR) modification is to provide a three-second delay in the isolation of the turbine steam supply lines of the high pressure coolant injection (HPCI) and reactor isolation cooling (RCIC) systems anytime a greater than 300 percent steam flow is detected. Such a modification provides prevention of flow spike trips during HPCI/RCIC system startup, as well as provide some level of protection in the event of large flow spikes resulting from transient swings in HPIC/RCIC system operation. The design basis of the modification is to eliminate trips resulting from spurious flow spikes system startup. This improvement in the design of this system was previously approved by the NRC in NUREG–0737. The changes to the technical specifications are necessary adminstrative follow up actions essential to the implementation of these improvements.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples involving no significant hazards consideration include "(i) a purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature; and, (ii) A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement."

The correction of instrument numbers in 3.3.2–2 is a purely administrative change encompassed by example (i) above that would correct an error in the technical specifications.

The addition of technical specifications for the operability, set point response time and surveillance of the time delay relay clearly imposes additional limitations and controls not presently included in the technical specifications and is therefore encompassed by example (ii) above.

Therefore, since the application for amendment involves proposed changes that are similar to examples for which no significant hazards considerations exist, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Attorney for licensee: George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Carolina Power & Light Company, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of amendment request: July 29, 1982.

Description of amendment request: This amendment would modify the technical specifications to correctly identify certain relays associated with the plant emergency power supplies and provide correct set point values for actuating these relays.

Following investigation of a reactor scram, the licensee determined Degraded Voltage Surveillance Tests on Unit 1 were not being performed. The licensee's review of a previous modification revealed that incorrect relays were referenced in the plant modification and therefore, the incorrect set point values were incorporated in the technical specifications. Table 3.3.3–2, Item 5.a, describes Balance-of-Plant

(BOP) busses 1C, 1D, 2C, and 2D for Device 27. The correct relay should have been Emergency Busses E-1, E-2, E-3, and E-4, Device 27/59E. The proposed changes to the technical specifications would correct this error and provide correct set point values for actuating the relays.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples involving no significant hazards consideration include "(i) a purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature; and, (ii) A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement."

Example (i) encompasses the changes requested to correct the errors in identifying certain relays in the emergency power supplies. Example (ii) applies to the added requirements for these relays including proper set points, surveillance intervals and operability conditions. Therefore, since the application for amendment involves proposed changes that are similar to examples for which no significant hazards considerations exist, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Attorney for licensee: Mr. George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Carolina Power & Light Company, Docket Nos. 50-325 and 50-324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of amendment request: January 26, 1983.

Description of amendment request: An amendment to modify the technical specifications to apply to new analog (continuous measuring) instrumentation that has been installed in Unit 1 and will be installed in Unit 2. The analog instrumentation replaces certain pressure switches and will provide improved performance of trip functions for reactor protection system actuation, containment isolation, reactor core isolation cooling system isolation and emergency core cooling system actuation.

The replacement of pressure switches with analog instrumentation was previously approved by the Commission with the issuance of Amendment No. 26 to License No. DPR-71 for Unit 1 and Amendment No. 50 to License No. DPR-62 for Unit 2 on March 14, 1980. At that time it was decided that appropriate technical specifications would be issued when the instrumentation would be ready for operation. Thus the issuance of these technical specifications is concomitant to our previous action and attendant to the full implementation of improvements in the instrumentation for the Brunswick Units.

The changes to the technical specifications include new instrument numbers, the correction of errors in the existing specifications and editorial changes to incorporate the format of the NRC standard technical specifications. In addition to these administrative changes, the surveillance requirements have been changed to incorporate surveillance intervals developed for the new instrumentation. However, the required response times and set points for the instrumentation will not be changed and the new surveillance requirements together with the new instrumentation is expected to provide a more reliable instrumentation system.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples involving no significant hazards consideration include: "(i) a purely administrative change to the Technical Specifications: for example a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature; and, (ii) a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications; for example, a more stringent surveillance requirement." The bulk of the changes proposed in the application for amendment are encompassed by example (i). The inclusion of new instrument numbers, the correction of errors in the existing specifications and changes in format are all purely administrative changes. The changes in surveillance requirements relate to example (ii). Some of the surveillance intervals have been decreased and some have been increased as appropriate for each new instrument. However, the overall effect of the changes in technical specifications will be to increase the total surveillance requirements in support of a more reliable instrumentation system. Therefore, since the application for amendment involves proposed changes that are similar to examples for which no significant hazards considerations exist, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Attorney for licensee: Mr. George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Carolina Power and Light Company, Docket No. 50-261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of amendment request: May 10, 1977.

Description of amendment request: This amendment request proposes a change to the Technical Specifications (TS) to incorporate the inservice inspection testing requirements set forth in Section XI of the ASME, Boiler and Pressure Vessel Code, and Addenda as a substitute for the current TS.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14871). One of the examples of actions involving no significant hazards considerations relates to additional limitations, restrictions, or control not presently included in the Technical Specifications (ii); for example, a more stringent surveillance requirement. In the case of this amendment, the licensee is requesting to delete their existing requirements for inservice inspection and testing requirements surveillance for Class 1 components only and substituting the requirements contained in the ASME Boiler and Pressure Vessel Code, Section XI and it's Addenda, requiring surveillance of Class 1, 2 & 3 components. This proposed change clearly adds more restrictions and surveillance requirements and matches the guidance quoted. The staff, therefore, proposes to determine that the

amendment does not involve a significant hazard consideration.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Attorney for licensee: Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, N.W., Washington, D.C.

NRC Branch Chief: Steven A. Varga.

Carolina Power and Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of amendment request: November 10, 1980 as supplemented February 7, 1983.

Description of amendment request: The amendment would permit operation after approval of changes to the Radiological Effluent Technical Specifications that would bring them into compliance with Appendix I of 10 CFR Part 50. It provides new Technical Specification sections defining limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring; concentration, dose and treatment of liquid, gaseous and solid wastes; total dose; radiological environmental monitoring that consists of a monitoring program, land use census, and interlaboratory comparison program. This change would also incorporate into the Technical Specifications the bases that support the operation and surveillance requirements. In addition, some changes would be made in administrative controls, specifically dealing with the process control program and the offsite dose calculation manual. The proposed amendment would remove the current Radiological Effluent Technical Specifications from the Appendix "B" Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications.

The Commission, in a revision to Appendix I, 10 CFR Part 50 required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement, it became necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This caused the addition of Technical Specifications described above. The staff proposes to determine that the application does not involve a significant hazards consideration since the change constitutes additional restrictions and controls that are not currently included in the Technical Specifications in order to meet the Commission mandated release of "as low as is reasonably achievable."

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Attorney for licensee: Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, N.W., Washington, D.C.

NRC Branch Chief: Steven A. Varga.

Carolina Power and Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of amendment request: December 2, 1980.

Description of amendment request: This amendment request proposes a change to the Technical Specifications (TS) by adding operability requirements for the Dedicated Shutdown System when the reactor is critical to ensure the operability of the system. This request reflects changes and additions to the plant as a result of the Dedicated Shutdown System.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14871). One of the examples of actions involving no significant hazards considerations relates to additional limitations, restrictions, or control not presently included in the Technical Specifications (ii). This amendment specifically adds TS requirements to ensure the operability of the Dedicated Shutdown System (DSS) when the reactor is critical. The operability of the DSS equipment ensures the ability to safely bring the plant to a hot shutdown condition in the unlikely event that a fire disables the ability to control the plant from the control room or results in the loss of both trains of safeguards equipment. The staff, therefore, proposes to determine that this amendment does not involve a significant hazards consideration.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Attorney for licensee: Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, N.W., Washington, D.C.

NRC Branch Chief: Steven A. Varga.

Carolina Power and Light Company, Docket No. 50–261, H. B. Robinson, Unit No. 2, Darlington County, South Carolina

Date of amendment request: January 11, 1983.

Description of amendment request: This amendment request proposes to change the Technical Specification (TS) regarding containment internal pressure limiting conditions for operation. The current TS 3.6.2 requires that the plant be shutdown if the containment internal pressure exceeds 2 psig for more than 8 hours. The proposed change would require that the plant be shutdown if the containment internal pressure exceeds 1 psig for more than 8 hours.

Basis for proposed no significant hazards consideration determination: The basis for the proposed amendment request is the licensee's discovery of an error in the calculation of the containment net free volume used in the original FSAR. At that time the peak accident pressure was calculated to be 37.8 psig. The recalculated value based on the reduced net fee containment volume is 40.0 psi as reported in the licensee's updated FSAR.

The containment design pressure is 42 psig. Subtracting from the 42 psig, the 37.8 psig LOCA (peak accident pressure) leaves 4.2 psig allowable pressure in the containment before a postulated LOCA. However, the licensee used 2.0 psig in their current Technical Specifications providing about 2 psig margin.

Subtracting the newly calculated peak accident pressure of 40.0 psi from the design pressure provides an allowable containment pressure prior to a LOCA of 2 psig. The licensee proposes, for the requested amendment change, to allow 1 psig pressure in the containment before a postulated LOCA, thus, providing a margin of 1 psi. The net result of the requested change is an apparent reduction of the margin, by 1 psig in the unlikely event of a LOCA.

The Commission has provided guidance concerning the application of those standards by providing certain examples (48 FR 14871). One of these examples of actions involving no significant hazards considerations relates to:

A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all

acceptable criteria with respect to the system or component specified in the Standard Review Plan: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method.

The proposed amendment is directly related to this example because it is within the acceptance criteria of the Standard Review Plan (SRP). The SRP requires that the peak accident pressure be less than the design pressure for the containment. On this basis, the Commission proposes to determine that the amendment involves no significant hazards consideration.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Attorney for licensee: Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C.

NRC Branch Chief: Steven A. Varga.

Commonwealth Edison Company, Docket Nos. 50–295 and 50–304, Zion Station Unit Nos. 1 and 2, Zion, Illinois

Date of amendments request: February 16, 1979.

Description of amendments request: These amendments would permit operation after approval of changes to the Radiological Effluent Technical Specifications that would bring them into compliance with Appendix I of 10 CFR Part 50. It provides new Technical Specification sections defining limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous and solid wastes; total dose; radiological environmental monitoring that consists of a monitoring program, land use census, and interlaboratory comparison program. This change would also incorporate into the Technical Specifications the bases that support the operation and surveillance requirements. In addition, some changes would be made in administrative controls, specifically dealing with the process control program and the offsite dose calculation manual. The proposed amendments would remove the current Radiological Effluent Technical Specifications from the Appendix "B" Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications.

The Commission, in a revision to Appendix I, 10 CFR Part 50 required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement, it became necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This caused the addition of Technical Specifications described above. The staff proposes to determine that the application does not involve a significant hazards consideration since the change constitutes additional restrictions and controls that are not currently included in the Technical Specifications in order to meet the Commission mandated release of "as low as is reasonably achievable."

Local Public Document Room location: Zion Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099.

Attorney for licensee: P. Steptoe, Isham, Lincoln & Beale, Counselors of Law, Three First National Plaza, 51st Floor, Chicago, Illinois 60602.

NRC Branch Chief: Steven A. Varga.

Connecticut Yankee Atomic Power Company, Docket No. 50–213, Haddam Neck Plant, Middlesex County, Connecticut

Date of amendment request: March 21, 1978.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) by (1) reducing the allowable containment leak rate from 0.25% per day to 0.18% per day; (2) reducing the allowable Reactor Heat Removal System (RHR) leak rate from 6 liters per hour to 3 liters per hour; and (3) require 4 containment air recirculation (CAR) units to be normally operable instead of 3 units whenever the reactor is critical.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (April 6, 1983, 48 FR 14870). Example (ii) illustrates a proposed action which would not involve a significant hazards consideration. These types of action constitute additional limitation, restriction or control not presently included in the Technical Specifications. Each of the above proposed changes constitutes more stringent requirements. The reduction in allowable leak rates reduces the potential exposure to the public in the event of an accident. Similarly, increasing the number of CAR units decreases the potential for exposure to the public in the event of an accident because each of the CAR units circulates the containment air thru filters which remove radioactive isotopes. Therefore, the staff purposes to determine that the requested action would involve no significant hazards consideration.

Local Public Document Room location: Russell Library, 119 Broad Street, Middletown, Connecticut 06457.

Attorney for licensee: Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103.

NRC Branch Chief: Dennis M. Crutchfield.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating, Unit No. 2, Westchester County, New York

Date of application for amendment: December 29, 1981.

Description of amendment request: Following the accident at Three Mile Island the NRC promulgated several additional limitations on the operation of nuclear power plants. The changes proposed in this application would incorporate two of these post-Three Mile Island requirements (NUREG 0737 Items II.F.1.1 and II.F.1.2) into the Technical Specifications. Specifically, the proposed change would modify the Technical Specifications to add Limiting Conditions of Operation and reporting requirements concerning the operability of the plant vent noble gas effluent monitor and the main steam line radiation monitor.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of the standards for a no significant hazards consideration determination by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards considerations relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. The staff proposes to determine that the amendment does not involve a significant hazards consideration since it clearly adds additional restrictions not currently in the Technical Specifications.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Attorney for licensee: Thomas J. Farrelly, Esquire, 4 Irving Place, New York, New York 10003.

NRC Branch Chief: Steven A. Varga.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating, Unit No. 2, Westchester County, New York

Date of application for amendment: February 14, 1983.

Description of amendment request: The proposed change would modify the Technical Specifications to require a minimum of at least 23 feet of water above the reactor pressure vessel flange during movement of control rods or fuel assemblies instead of the current requirement of a minimum 23 feet of water above the reactor core. The additional depth of water specified by this change is necessary to assure sufficient depth to prevent inadvertent exposure of a fuel assembly during transfer. This requested change to the Technical Specifications is in response to the Generic Letter dated August 15, 1980, which notified all licensees that the Standard Technical Specifications were change to reflect this requirement.

The amendment application that transmitted this change request included several issues. This notice relates to only one. The remaining items will be the subject of separate notices.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for a no significant hazards determination by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. The staff proposes to determine that the proposed change does not involve a significant hazards consideration since it adds an additional depth of water to the depth currently specified in the Technical Specifications.

Local Public Document Room location: White Plains Public Public Library, 100 Martine Avenue, White Plains, New York 10610.

Attorney for licensee: Thomas J. Farrelly, Esq., 4 Irving Place, New York, New York 10003.

NRC Branch Chief: Steven A. Varga.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating, Unit No. 2, Westchester County, New York

Date of application for amendment: February 14, 1983.

Description of amendment request: The reactor vessel surveillance program includes six specimen capsules to evaluate radiation damage based on pre-irradiation and post-irradiation testing of specimens. The proposed change to the Interference would relocate the requirements for the testing of these capsules from the Miscellaneuous Inspections of Section 4.2 in the Technical Specifications to the Limiting Conditions for Operation in Section 3.1.B of the Technical Specifications. No changes to the testing program itself are proposed

The amendment application that transmitted this change request included several issues. This notice relates to only one. The remaining items will be the subject of separate notices.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for a no significant hazards determination by providing certain examples (48 FR 14870). One of the examples (i) of actions not likely to involve a significant hazards consideration relates to changes of a purely administrative nature. The staff proposes to determine that this change does not involve a significant hazards consideration since it consists of an administrative change that does not alter the requirements of the current Technical Specification.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Attorney for licensee: Thomas J. Farrelly, Esquire, 4 Irving Place, New York, New York 10003.

NRC Branch Chief: Steven A. Varga.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: February 14, 1983.

Description of amendment request: By letter dated July 28, 1980, the Nuclear Regulatory Commission requested the Consolidated Edison propose Technical Specifications for the Containment Purge System as a means of gaining further reduction in the consequences of an accident involving the handling of reactor fuel inside of the containment building. Based on subsequent discussions, the Regulatory Staff concluded that an equivalent reduction could be realized by increasing the minimum required waiting time after shutdown before fuel could be moved from the present 90 hours to greater than 130 hours. This application proposes to change the Technical Specification to require that no movement of reactor fuel be made unless the reactor has been subcritical for at least 131 hours.

The amendment application that transmitted this change request included several issues. This notice relates to only one. The remaining items will be the subject of separate notices.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for a no significant hazards consideration determination by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. The staff proposes to determine that the application does not involve a significant hazards consideration since it entails the addition of a more limiting requirement.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Attorney for licensee: Thomas J. Farrelly, Esquire, 4 Irving Place, New York, New York, 10003.

NRC Branch Chief: Steven A. Varga.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: February 14, 1983.

Description of amendment request: The proposed change would amend the Technical Specifications to incorporate requirements for redundant decay heat removal capability during all modes of plant operation. This proposed change was directly requested by the Nuclear Regulatory Commission by Generic Letter dated June 11, 1980. The basis for the Commission's request was founded in a number of events that have occurred at operating PWR faciities where decay heat removal capability has been seriously degraded due to inadequate administrative controls utilized when the plants were in shutdown modes of operation. The additional administrative controls proposed in this change would ensure that proper means are available to provide redundant methods of decay heat removal.

The amendment application that transmitted this change request included several issues. This notice relates to

only one. The remaining items will be the subject of separate notices.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for a no significant hazards determination by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications. The staff proposes to determine that the proposed change does not involve a significant hazards consideration since it consists of an additional limitation on the operation of the facility not currently in the Technical Specifications.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Attorney for licensee: Thomas J. Farrelly, Esquire, 4 Irving Place, New York, New York 10003.

NRC Branch Chief: Steven A. Varga.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: March 23, 1982.

Description of amendment request: The proposed changes contained in this application would revise the Technical Specifications to clarify the minimum conditions required for operability of the Boron injection tank (BIT). Specifically, the single minimum required liquid volume would be replaced by a curve which would establish a pressure/liquid volume relationship for determining BIT operability. In addition, specific limiting conditions for operation (LCOs) and surveillance requirements would be established for BIT parameters and required instrumentation channels. The requested changes are the result of Consolidated Edison's followup review of the Reportable Occurence reported as LER–82–009/OIT–0.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement. The nitrogen pressure of the Boron Injection Tank is recorded every four hours in the Indian Point 2 Central Control Room Logs. The operator is directed to identify on the log every instance in which the pressure was less than 70 psig or greater than 95 psig. Between May 23, 1981, when Unit 2 returned to service from a refueling outage, and November 24, 1981, there were four isolated instances in which the recorded pressure was outside the specified range.

A probable consequence of the above was that less than 1000 gallons of boric acid solution could have been injected into the Reactor Coolant System when required during the periods of reduced nitrogen pressure.

The corrective measures provided by this amendment request are being proposed to prevent operation of the plant in a manner less conservative than assumed in the Safety Analysis Report, and constitute an additional control not presently included in the Technical Specifications. Therefore, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Attorney for licensee: Thomas J. Farrelly, Esquire, 4 Irving Place, New York, New York 10003.

NRC Branch Chief: Steven A. Varga.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: April 1, 1983.

Description of amendment request: The amendment would change the Radiological Effluent Technical Specifications to assure compliance with Appendix I of 10 CFR Part 50. It provides new Technical Specification sections defining limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring; concentration, dose and treatment of liquid, gaseous and solid wastes; total dose; radiological environmental monitoring that consists of a monitoring program, land use census, and interlaboratory comparison program. This change also incorporates into the Technical Specifications the bases that support the operation and surveillance requirements. In addition, some changes would be made in administrative controls, specifically dealing with the process control program and the offsite dose calculation manual.

Basis for proposed no significant consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications.

The Commission, in a revision to Appendix I, 10 CFR Part 50 required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement it became necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This caused the addition of Technical Specifications described above. The staff proposes to determine that the application does not involve a significant hazards consideration since the change constitutes additional restrictions and controls that are not currently included in the Technical Specifications in order to meet the Commission mandated release of "as low as is reasonably achievable."

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Attorney for licensee: Thomas J. Farrelly, Esquire, 4 Irving Place, New York, New York 10003.

NRC Branch Chief: Steven A. Varga.

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix County, Michigan

Date of amendment request: August 14, 1980.

Description of amendment request: The amendment would incorporate a function testing requirement for the trip mechanism of the fuel transfer cask safety sling into Technical Specifications. This test, which is done prior to starting refueling, is currently enforced by a plant maintenance procedure. The change would make the test a requirement in the Technical Specifications. The test checks the operability of the trip mechanism which activates the safety sling designed to catch the fuel transfer cask in the event of a failure of the crane rigging.

Basis for proposed significant hazards consideration determination: The Commission has provided guidance concerning the application of the

standards in 10 CFR 50.92 by providing certain examples (48 FR 14670, April 6, 1983). One of the examples (ii) of actions involving no significant hazards consideration relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications.

This amendment would incorporate the functional test of the trip mechanism on the fuel transfer cask safety sling into the Technical Specifications. On this basis the staff proposes to determine that this amendment would involve no significant hazards consideration.

Local Public Document Room location: Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: Dennis M. Crutchfield.

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix County, Michigan

Date of amendment request: July 20, 1981.

Description of amendment request: Proposed changes would incorporate requirements for operability, testing, and inspection of the mechanical snubbers on the Reactor Depressurization System (RDS) into the Technical Specifications (TS). The current TS do not contain such requirements.

These changes do not involve the addition of snubbers to the plant; the mechanical snubbers on the RDS have been in place for several years. There are no other mechanicl snubbers on safety related equipment at Big Rock Point.

Basis for proposed no significant hazards consideration determination: The amendment would add requirements for operability, visual inspections and periodic testing of mechanical snubbers to the TS to ensure that these devices are operable. These snubbers are attached to piping and equipment in the RDS to provide restraint during a seismic or other event which initiates dynamic loads, yet allow slow motion such as that produced by thermal expansion. The Commission has provided guidance concerning the application of standards for determining whether license amendment involve no significant hazards considerations by providing certain examples which were published in the **Federal Register** on April 6, 1983 (48 FR 14870). One of the examples of actions involving no significant hazards consideration is a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications, such as a more stringent surveillance requirement.

The amendment request, discussed above, fits this example. On this basis, the Commission proposes to determine that the requested action involving no significant hazards consideration.

Local Public Document Room location: Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Attorney for licensee: Judd L. Bacon, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: Dennis M. Crutchfield.

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix County, Michigan

Date of amendment request: December 15, 1981.

Description of amendment request: The amendment would approve Technical Specifications (TSs) which would incorporate description and operating requirements for Stack Gas Monitoring System into the Technical Specifications. This system is being installed and made operational to meet the guidance of NUREG–0737, Item II.F.1 (1) and (2), "Additional Accident Monitoring Instrumentation (Noble Gas Effluent Monitor and Sampling and Analysis of Plant Effluents)." This system provides the capability to monitor effluent release rates several orders of magnitude above normal rates for accident situations.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870, April 6, 1983). One of the examples of actions involving no significant hazards considerations relates to changes that constitute an additional limitation, restriction, or control not presently included in the Technical Specifications. The Stack Gas Monitoring System is a new system at Big Rock Point which will replace and upgrade the present effluent monitoring system. The new system was designed to meet the guidance of NUREG–0737, Item II.F.1 (1) and (2), which is described above. The proposed changes incoporate operating requirements for this system into the Big Rock Point Technical Specifications and; therefore, constitute an additional limitation. On this basis the staff proposes to determine that this amendment involves no significant hazards consideration.

Local Public Document Room location: Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: Dennis M. Crutchfield.

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix County, Michigan

Date of amendment request: March 10, 1982.

Description of amendment request: The amendment would incorporate the description, operating requirements, and surveillance requirements for the containment pressure monitor and the containment water level monitor into the plant Technical Specifications. These monitors are being installed and made operational at Big Rock Point to meet the guidance of Part (4) and (5) of Item II.F.1, "Additional Accident Monitoring Instrumentation," in NUREG–0737, "Clarification of TMI Action Plan Requirements." Part (4) of Item II.F.1 requires containment pressure monitoring instrumentation with the appropriate range for accident conditions. Part (5) of Item II.F.1 requires containment water level (sump level) monitoring instrumentation with the appropriate range for accident conditions.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14871, April 6, 1983). One of the examples of actions involving no significant hazards considerations relates to changes that constitute additional limitations, restrictions, or controls not presently included in the Technical Specifications. The proposed changes would add operating and surveillance requirements for the containment pressure monitor and the containment water level monitor to the Technical Specifications. These monitors are to be installed and made operational to meet the guidance of NUREG–0737. On this basis the staff proposes to determine that this amendment involves no significant hazards consideration.

Local Public Document Room location: Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company,

212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: Dennis M. Crutchfield.

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix County, Michigan

Date of amendment request: January 28, 1983.

Description of amendment request: The amendment would increase Pa, the containment vessel reduced test pressure, from 10 psig to not less than 11.5 psig. This change was recommended by the NRC in a letter dated November 23, 1982 and will make Pa consistent with the requirements of Appendix J to 10 CFR Part 50.

Basis for proposed no significant hazards consideration determination: Pa is the containment vessel reduced test pressure. Changing Pa from 10 psig to not less than 11.5 psig was recommended by the NRC in a letter dated November 23, 1982. This change would bring the Technical Specifications into conformance with the requirements of Appendix J to 10 CFR Part 50 which stipulates the value of Pa.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14671, April 6, 1983). One of the examples of actions involving no significant hazards considerations relates to a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement. The proposed increase in Pa to meet the requirements of Appendix J to 10 CFR Part 50 constitutes a more stringent surveillance requirement. On this basis the staff proposes to determine that the requested action would involve no significant hazards consideration.

Local Public Document Room location: Charelvoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: Dennis M. Crutchfield.

Consumer Power Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: March 12, 1979.

Description of amendment request: The amendment would approve changes to the Radiological Effluent Technical Specifications which would bring them into compliance with Appendix I of 10 CFR Part 50.

Basis for proposed no significant hazards consideration determination: The proposed new Technical Specifications section would define limiting conditions for operation and surveliance requirements for radioactive liquid and gaseous effluent monitoring; concentration, dose and treatment of liquid, gaseous and solid wastes; total dose; radiological environmental monitoring that consists of a monitoring program, land use census, and interlaboratory comparison program. This change would also incorporate into the Technical Specifications the bases that support the operation and surveillance requirements. In addition, some changes would be made in administrative controls, specifically dealing with the process control program and the offsite dose calculation manual.

The Commission, in a revision to Appendix I, 10 CFR Part 50 required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement it became necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This caused the proposed addition of Technical Specifications described above. The staff proposes to determine that the application does not involve a significant hazards consideration since the change constitutes additional restrictions and controls that are not currently included in the Technical Specifications in order to meet the Commission's requirements pertaining to "as low as is reasonably achievable."

Local Public Document Room location: Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

Attorney for licensee: Judd L. Bacon, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: Dennis M. Crutchfield.

Consumer Power Company, Docket No. 50–255, Palisades Nuclear Power Plant, Van Buren County, Michigan

Date of amendment request: March 1, 1982.

Description of amendment request: The proposed amendment would reduce the set-point for Containment High Pressure from 5 psig to 4 psig. This set point actuates the reactor trip and the enginered safety features of safety injection, containment spray, containment isolation and containment air coolers-accident mode.

Basis for proposed no significant hazards consideration determination: The proposed reduction in high pressure setpoints is a more stringent restriction and control which matches example (ii) published in the **Federal Register** on April 6, 1983 (48 FR 14870). It is being implemented in response to NUREG–0737, Item II.E.4.2, position 5.

On this basis, the staff proposes to determine that this amendment would not involve a significant hazards consideration.

Local Public Document Room location: Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: Dennis M. Crutchfield.

Consumer Power Company, Docket No. 50–255, Palisades Nuclear Power Plant, Van Buren County, Michigan

Date of amendment request: June 25, 1982.

Description of amendment request: The proposed amendment would make an administrative change to the Technical Specifications to correct the rated load for the emergency diesel generators to 750 amps. at 2400 volts which is the nameplate rating for the generator, rather than the presently specified 2500 Kw.

Basis for proposed no significant hazards consideration determination: The proposed amendment would correct a technical error by specifying the diesel generator rating in amperes and volts rather than kilowatts which depends upon the power factor of the test load. This change fits example (i) of the amendment not considered likely to involve a significant hazards consideration published in the **Federal Register** on April 6, 1983 (48 FR 14870) in that it involves a purely administrative change to correct an error. On this basis, the staff proposes to determine that this amendment would not involve a significant hazards consideration.

Local Public Document Room location: Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: Dennis M. Crutchfield.

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: August 30, 1982.

Description of amendment request: The proposed amendment would add to the Technical Specifications a requirement for an operable vent path from the reactor vessel and pressurizer to the containment. It would also add the surveillance testing requirements to verify its operability.

Basis for proposed no significant hazards consideration determination: This proposed amendment would add to the Technical Specifications (TSs) a requirement that the Primary Coolant Gas Vent System required by NUREG-0737, Item II.B.1 be operable and verified to be operable by periodic testing. This proposed amendment fits example (ii) of the examples of amendments that are considered not likely to involve significant hazards considerations published in the **Federal Register** (48 FR 14670, April 6, 1983), in that it adds additional limitations and requirements not presently in the TSs. Therefore, the Commission proposes to find that this amendment would not involve a significant hazards consideration.

Local Public Document Room location: Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: Dennis M Crutchfield.

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: March 14, 1983.

Description of amendment request: The proposed amendment would add periodic station battery service and discharge tests to the Technical Specifications.

Basis for proposed no significant hazards consideration determination: The proposed change constitutes a more stringent surveillance requirement which is one of the examples (ii) published in the **Federal Register** (48 FR 14670, April 6, 1983) that are considered not likely to involve significant hazards considerations. It also conforms to present licesing requirements as given in Standard Technical Specifications. Therefore, we have determined that this proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: Dennis M. Crutchfield.

Dairyland Power Cooperative, Docket No. 50-409, La Crosse Boiling Water Reactor, Vernon County, Wisconsin

Date of application for amendment: December 8, 1981.

Description: The proposed amendment requests Technical Specifications (TS) changes of four general types: (1) incorporation of additional limitations to protect against degraded grid voltage and pipe cracking and new requirements to facilitate fire protection and inservice inspection, (2) revision of existing TS's reflecting changes in plant organization and other administrative changes not affecting safety, (3) revision of the existing TS's on electrical power systems to be consistent with the STS format, and (4) modification of the fuel inventory and fuel change-out requirements of the Emergency Service Water Supply System (ESWSS) engines.

Basis for proposed no significant hazards consideration determination: Further description of the Item 1 changes follows. The licensee would install a second level of undervoltage relaying equipment to protect safety related electrical equipment from failures caused by degraded grid voltage. In response to NUREG-0313 (BWR Pipe-cracking) the licensee would implement augumented inservice inspection and leak detection of austenitic stainless steel piping that is susceptible to intergranular stress-corrossion cracking. In response to a previously issued fire protection safety evaluation and license amendment, the licensee has proposed Technical Specifications to implement most fire protection modifications evaluated in the Fire Protection Safety Evaluation, dated July 27, 1979 (License Amendment 17). Also, the licensee proposed Technical Specifications which would implement additional inservice inspection and inservice testing requirements in accordance with current ASME code criteria, to demonstrate the physical integrity of piping and the operability of pumps and valves; except where relief has been grantd by the NRC. Thus, it can be seen that the Technical Specifications proposed above would incorporate additional operating limitations not currently present in the La Crosse Technical Specifications.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870, April 6, 1983). One of the examples (ii) of actions involving no significant hazards considerations relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. On this basis, the NRC staff proposes to determine that the application for the above changes does not involve a significant hazards consideration.

Changes proposed in Item 2 include purely administrative changes, such as making the Standard Technical Specification Definitions applicable for all parts of the La Crosse Technical Specifications; deleting a blank page which contained no Technical Specifications; deleting a redundant requirement, since a single specification is sufficient; and deleting an ambiguous specification which might possibly be misinterpreted, since the necessary requirement is stated more clearly in a separate specification.

The Commission's guidance (48 FR 14870) states that one example (i) involving no significant hazards consideration is a purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specification, correction of an error, or a change in nomenclature. On this basis, the NRC staff proposes to determine that the application for the Item (2) changes does not involve a significant hazards consideration.

Changes to the plant personnel organization were also proposed by the licensee which modified the organizational framework but did not reduce the number of people actually on-site. The NRC has reviewed these changes and has found that they are acceptable under current licensing criteria. These changes do not involve a significant increase in the probability or consequences of an accident previously evaluated, do not create the possibility of a new or different reduction in a margin of safety. On this basis, the NRC staff proposes to determine that the proposed plant organizational changes do not involve significant hazards considerations.

Item 3 changes include a complete revision of the existing Technical Specifications on electrical power systems to conform to the Standard Technical Specification format. The proposed specifications will be reviewed to ensure that existing safety

margins for electrical power systems are not degraded and, whenever possible, will be compared to Standard Technical Specifications to ensure that existing safety margins are consistent with current licensing criteria. These changes will not decrease safety margins and in many cases more conservative limitations would be imposed. Thus, these changes are administrative in nature but also impose additional limitations. The Commission's guidance (48 FR 14870) provides examples which indicate that both of these types of changes will likely involve no significant hazards considerations. On this basis, the staff proposes to determine that the Item (3) change involve no significant hazards considerations.

The changes discussed in Item 4 above would reduce by 20% the required amount of fuel in ESWSS engines to account for changes in volume due to ambient temperature changes and would require that ESWSS fuel be changed out twice a year (instead of quarterly) since available fuel volatility is only changed twice a year. To compensate for these modifictions, the licensee has proposed the each ESWSS engine be started and run at each fuel change-out to consume and replenish all old fuel that could not be drained from the engine. In addition, the licensee has committed to implement written emergency procedures which will describe how additional fuel may be obtained if the ESWSS is needed to flood the containment building. Although the reduction in fuel inventory and frequency of fuel replacement may slightly impact the availability of the ESWSS engines, the licensee's proposed measures will adequately compensate for the reduction and the changes will not have a significant effect on plant safety. Accordingly, these changes do not involve a significant increase in the probability or consequences of an accident previously evaluated, do not create the possibility or a new or different kind of accident from any previously evaluated and do not involve a significant reduction in a margin of safety. On this basis, the staff proposes to determine that the application for the changes in Item (4) does not involve a significant hazards consideration.

Local Public Document Room location: La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601.

Attorney for license: O. S. Heistand, Jr., Morgan, Lewis, and Backius, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Dennis M. Crutchfield.

Dairyland Power Cooperative, Docket No. 50–409, LaCrosse Boiling Water Reactor, Vernon County, Wisconsin

Date of amendment request: June 9, 1982.

Description of amendment request: Proposed changes to the Technical Specifications (TS) would require quarterly testing of containment ventilation (purge) valves to detect excessive degradation of the resilient seats.

Basis for proposed no significant hazards consideration determination: As a result of Multi-Plant Action B–24 (Containment Purge and Vent Review), the NRC staff requested that the licensee propose such a technical specification. This testing should be required in addition to the valve leakage tests that are currently required at each refueling outage. The proposed amendment would require quarterly testing of the 20" containment ventilation valves in order to detect possible gross degradation of the resilient valve seats.

The Commission has provided guidance for determining whether proposed changes involve significant hazards considerations by providing certain examples (48 FR 14870, April 6, 1983). One of the examples (ii) of actions involving no significant hazards considerations is a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications. The requested action herein imposed additional surveillance requirements not presently included in the license and, thus, is within the purview of this example. On this basis, the NRC staff proposes to determine that the proposed changes would not involve a significant hazards consideration.

Local Public Document Room location: La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601.

Attorney for licensee: O. S. Heistand, Jr., Esquire, Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Dennis M. Crutchfield.

Dairyland Power Cooperative, Docket No. 50–409, La Crosse Boiling Water Reactor, Vernon County, Wisconsin

Date of amendment request: April 4, 1983.

Description of amendment request: The request for technical specification (TS) changes would incorporate NUREG–0737 TMI requirements which would restrict overtime of certain plant personnel and would result in the licensee reporting all indicated operations and failures to reclose of primary system safety valves for pressure relief purposes.

Basis for proposed no significant hazards consideration determination: NRC Generic Letter 83–02 requested that BWR licensees review their Technical Specifications to determine if they were consistent with BWR Model Technical Specifications provided for NUREG–0737 TMI Action Plan Requirements. Dairyland Power responded to this request and submitted an amendment request to add two specifications. The proposed Technical Specifications would add requirements to (1) restrict overtime of certain plant personnel when performing duties which may affect the safety of the public and (2) report all indicated operations and failures to reclose (if any) of primary system safety valves for pressure relief purposes.

The Commission has provided guidance for making these determinations by providing certain examples (48 FR 14870, April 6, 1983). One of the examples (ii) of actions involving no significant hazards consideration relates to a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications. The requested action fits this example. On this basis, the NRC staff proposes to determine that the application for the above changes does not involve a significant hazards consideration.

Local Public Document Room location: La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601.

Attorney for licensee: O. S. Heistand, Jr., Esquire, Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Dennis M. Crutchfield.

Dairyland Power Cooperative, Docket No. 50–409, LaCrosse Boiling Water Reactor, Vernon County, Wisconsin

Date of amendment request: June 8, 1983, which supersedes application dated September 15, 1982.

Description of amendment request: The proposed license amendment would provide new Technical Specification provisions which would define limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring; concentration, dose and treatment of liquid, gaseous and solid wastes; total dose; radiological environmental monitoring that consists of a monitoring program, land use

census, and interlaboratory comparison program. These provisions would also incorporate into the Technical Specifications the bases that support the operation and surveillance requirements. Moreover, some of the Technical Specifications would involve administrative controls dealing with the requirements for the Radiological Environmental Operating Report.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards by providing certain examples (April 6, 1983, 48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the technical specifications. The license changes proposed here fall within this example. Specifically, the Commission, in a revision to Appendix I, 10 CFR Part 50 required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radiological material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement it became necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This caused the need for the Technical Specifications described above to be proposed. This staff proposes to determine that the application does not involve a significant hazards consideration since the change constitutes additional restrictions and controls that are not currently included in the Technical Specifications in order to meet the Commission's requirements related to "as low as is reasonably achievable."

Local Public Document Room location: La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601.

Attorney for licensee: O. S. Heistand, Jr., Esquire, Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Dennis M. Crutchfield.

Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1 Shippingport, Pennsylvania

Date of amendment request: February 7, 1982.

Description of amendment request: The proposed change revises the Beaver Valley Power Station, Unit No. 1 Technical Specifications, Appendix A to incorporate the applicable NUREG-0737 changes recommended by Generic Letter 82-16.

The change to Section 6.2.2. "Facility Staff" is an administrative requirement to limit the working hours of plant personnel who perform safety related functions. This change is recommended by NUREG-0737, Item I.A.1.3.

The change to Section 6.9.1.5 "Annual Reports" incorporates an administrative requirement to include all challenges to the Pressurizer Power Operated Relief Valves (PORV's) or Pressurizer Safety Valves in the annual report. The change to Section 6.9.1.8 "Prompt Notification With Written Followup" incorporates an administrative requirement to report any failure of the pressurizer PORV's or Pressurizer Safety Valves within 24 hours and provide a written followup within 14 days. These changes are recommended by NUREG-0737, Item II.K.3.3.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14871). One of such involving no significant hazards considerations is one that constitute an additional limitation, restriction or control not presently included in the Technical Specifications. The proposed change matches the example.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1 Shippingport, Pennsylvania

Date of amendment request: December 16, 1982.

Description of amendment request: An Amendment (No. 61) was granted to permit operation of the unit with less than 75% of the incore flux detector thimbles functional. It was stated in that Amendment that the change would be temporary, and was applicable only to Fuel Cycle No. 3. The subject fuel cycle is over, and the staff would restore the Technical Specifications to what they were before Amendment No. 61. Specifically, operation of the unit with less than 75% of the thimbles functional will no longer be permitted.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14871). One of the examples involving no significant hazards considerations is one that "constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications." The above-mentioned restoration matches the example.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for the Licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Florida Power & Light Company, Docket No. 50-335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida

Date of amendment request: March 18, 1977 and July 1, 1977.

Description of amendment request: This amendment would add a new specification to the St. Lucie Plant, Unit No. 1 (St. Lucie 1) technical specifications to specify inservice inspection and inservice testing requirements. Specifically, the new specification calls for the inservice of ASME Code Class 1, 2 and 3 components and inservice testing of ASME Code Class 1, 2 and 3 pumps and valves to be preformed in accordance with Section XI of the ASM Boiler and Pressure Vessel Code and Applicable Addenda as required by 10 CFR 50.55a(g).

In addition specific inspection and testing surveillance intervals are specified based upon Section XI of the ASME Boiler and Pressure Vessel Code and Applicable Addenda (Code). In applying this new specification, certain of the technical specifications are deleted because they are covered by the Code or revised to meet the requirements of the Code.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations relates to changes to make a license conform to changes in the regulations where the license changes result in very minor changes to facility operations clearly in keeping with the regulations (vii). In this case, the staff, in its letter of January 14, 1977, requested that the technical specifications of St. Lucie Plant, Unit No. 1 be amended to revise

inservice inspection and testing programs in accordance with 10 CFR 50.55a(g). In response to that request the licensee proposed changes to the technical specifications in their letters of March 18, 1977 and July 1, 1977. The requested changes consist of a new specification that calls for the inservice inspection of ASME Code Class 1, 2 and 3 components and inservice testing of ASME Code Class 1, 2 and 3 pumps and valves to be performed in accordance with Section XI of the ASME Boiler and Pressure Vessel Code and Applicable Addenda (Code) as required by 10 CFR 50.55a(g). In addition, specific inspection and testing surveillance intervals are specified, based upon the Code. In applying this new specification, certain of the technical specifications are deleted because they are covered by the Code or revised to meet the requirements of the Code. These changes result in very minor changes to facility operations and are clearly in keeping with existing regulations. The changes proposed for St. Lucie 1 will also make the technical specifications similar to those previously approved for the operation of St. Lucie Plant, Unit No. 2. On this basis, the Commission proposes to determine that the proposed amendment involves no significant hazards consideration.

Local Public Document Room Location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Attorney for the Licensee: Harold F. Esq., Lowenstein, Newman, Reis, and Axelrad, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

NRC Branch Chief: Robert A. Clark.

Florida Power & Light Company, Docket No. 50-335, St. Lucie Plant, Unit No. 1 St. Lucie County, Florida

Date of amendment request: January 20, 1983.

Description of amendment request: The amendment would permit operation after numerical changes in the safety limits on shutdown margin and moderator coefficient limits are approved in conjunction with cycle 6 reload. The fuel element composition of the cycle 6 core will change from its current composition of Combustion Engineering assembles to a combination of Exxon and Combustion Engineering assemblies. A low radial leakage fuel management plan has been developed that results in scatter-loading of the fresh fuel, as well as the exposed fuel, throughout the core. In addition to the changes made in the loading pattern a revised steam line break analysis has been performed and is contained in the supporting documents of this application. The effect of these changes allows the proposed change in the shutdown margin requirement from equal to or greater than 5.0% delta k/k to equal to or greater than 3.6% delta k/k and to change the moderator temperature coefficient limits from less positive than 0.5×10^{-4} delta k/k/°F for less than 70% of rated thermal power and less negative than -2.2×10^{-4} delta k/k/°F at rated thermal power to less positive than 0.7×10^{-4} delta k/k/°F for less than 70% or rated thermal power and less negative than -2.8×10^{-4} delta k/k/°F at rated thermal power. These changes are proposed in accordance with the licensee's application for amendment dated January 20, 1983.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). Two of the examples of actions involving no significant hazards consideration are: (1) for a nuclear power reactor, a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the technical specifications, that the analytical methods used to demonstrate conformance with the technical specifications and regulations are not significantly changed, and that NRC had previously found such methods acceptable (iii); and (2) a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method (vi).

The composition of the fuel elements making up the cycle 6 core does not involve fuel assemblies significantly different from those previously found acceptable at St. Lucie Plant, Unit No. 1 (St. Lucie 1), specifically those previously reviewed and approved for cycle 5. The neutronic characteristics of cycle 6 are similar to those of cycle 5 (Example iii). The proposed change would reduce the shutdown margin from 5.0% to 3.6% delta k/k. Since the shutdown margin is an intrinsic property of the reactor system and is not connected with any accident initiator, the probability of any accident is unchanged by a change in the shutdown margin. The design basis event requiring the highest shutdown margin at St. Lucie 1 is the Hot Zero Power Main Steam Line Break. In performing the analysis for cycle 6, Exxon Nuclear Corporation (Exxon) vendor for the new cycle 6 fuel elements, was instructed to establish shutdown margin requirements that would lead to consequences no worse than those determined in the cycle 5 analysis performed by Combustion Engineering. Achievement of comparable consequences with a reduced shutdown margin is the result of differences in the calculation methodology used by the two vendors and documented in the application. This change in the shutdown margin does not create the possibility of a new or different kind of limiting accident from those previously evaluated since no modification will be made to St. Lucie 1 configuration or the manner in which it will be operated. The acceptance criterion for St. Lucie 1 for determining the adequacy of the shutdown margin is the requirement that there be no Departure from Nucleate Boiling after a Main Steam Line Break. The latest analysis performed by Exxon shows that no fuel failures are expected and that this criterion is met. Therefore, there appears to be no significant reduction in the margin of safety.

The proposed amendment raises the maximum positive value for the Moderator Temperature Coefficient (Coefficient) at 70% of rated power and lowers the most negative value of the Coefficient at rated power. As is the case for the shutdown margin, the Coefficient is a property of the reactor system and not connected with any accident initiator. The Exxon analysis using Coefficient values fixed at the new proposed limits resulted in consequences that show no significant changes when compared to the cycle 5 analysis prepared by Combustion Engineering. Since there is no modification being made to St. Lucie 1 or its operation, there is no creation of any new or different kind of accident not previously evaluated. Since the licensee's reanalysis of the limiting accidents at the new limits result in no appreciable increase in the consequences, the margin of safety does not appear to be significantly reduced (Example (vii) of 10 CFR 50.92). On the basis, the Commission proposes to determine that the proposed amendment involves no significant hazards consideration.

Local Public Document Room location: Indian River Junior College

Library, 2109 Virginia Avenue, Fort Pierce, Florida 33450.

Attorney for licensee: Harold F. Reis, Esq., Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: Robert A. Clark.

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant, Units Nos. 3 and 4, Dade County, Florida

Date of amendment request: July 11, 1978.

Description of amendment request: Technical Specifications would be revised to add motor operated valves 863-A and 863-B to the existing list of valves required to have their power removed. These valves are installed in parallel and provide a crosstie from the discharge of the residual heat removal pumps to the system. The valves are closed during normal operation and remain closed upon initial Emergency Core Cooling System (ECCS) injection phase; the valves will have power removed from their motor operators by locking open the circuit breakers in the appropriate motor control centers. Power will be restored to the valve operators to accomplish the switchover from the ECCS injection mode to the recirculation mode. The request also includes provisions to allow restoration of power for a limited time to comply with the Technical Specification surveillance requirements.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether license amendments involve no significant hazards considerations by providing certain examples (48 FR 14870). One of these examples relate to a change that constitutes an additional limitation, restriction or control not presently included in the plant Technical Specifications. This amendment is directly related to the example in that the inclusion of the valves (863-A and 863-B) is in accordance with the staff's position as an effective method to protect against single failure. Since these proposed changes add requirements in accordance with staff positions, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Attorney for licensee: Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, N.W., Suite 1214, Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant, Unit Nos. 3 and 4, Dade County, Florida

Date of amendment request: May 14, 1981.

Description of amendment request: The amendment would add new requirements for operability, visual inspections and periodic testing of mechanical snubbers to ensure that these devices are operable. Snubbers are attached to piping and equipment to provide restraint during a seismic or other event which initiates dynamic loads, yet allow slow motion such as that produced by termal expansion. The amendment would also make revisions to the requirements for testing and inspection of hydraulic snubbers in accordance with current criteria and more clearly define the acceptance criteria for visual inspection and functional testing.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether license amendments involve no significant hazards considerations by providing certain examples which were published in the **Federal Register** on April 6, 1983 (48 FR 14870). One of the examples of actions involving no significant hazards consideration is a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications; for example, a more stringent surveillance requirement. The licensee proposed the amendment in accordance with the current staff criteria provided in the Standard Technical Specifications addressing safety-related snubbers. The amendment request, discussed above, fits this example. On this basis the Commission proposes to determine that the amendment involves no significant hazards consideration.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Attorney for licensee: Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, N.W., Suite 1214, Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant, Unit Nos. 3 and 4, Dade County, Florida

Date of amendments request: August 6, 1982.

Description of amendments request: These amendments involve changes to the Technical Specifications which will incorporate setpoints, surveillance requirements and limiting conditions of operation for the undervoltage protection systems for safety-related equipment.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether license amendments involve no significant hazards considerations by providing certain examples (48 FR 14870). One of these examples relates to a change that consitutes an additional limitation, restriction or control not presently included in the plant Technical Specifications. These amendments fall directly within that example in that the additional restrictions imposed by the amendments are for modifications and new equipment installed to meet the current NRC criteria and requirements pertaining to degraded grid voltage protection. Since the proposed changes add requirements to ensure compliance with the regulations in accordance with staff positions, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Attorney for the licensee: Harold F. Reis, Esquire, Lowenstein, Newman, Ross and Axelrad, 1025 Connecticut Avenue, NW., Suite 1214, Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Florida Power and Light Company, Docket Nos. 50-251, Turkey Point Plant, Unit Nos. 50-250 and 3 and 4, Dade County, Florida

Date of amendment request: September 10, 1982.

Description of amendment request: The proposed license amendments would provide new Technical Specification provisions which would define limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring; concentration, dose and treatment of liquid, gaseous and solid

wastes; total does; and radiological environmental monitoring that consists of a monitoring program, land use census, and interlaboratory comparison program. These provisions would also incorporate into the Technical Specifications the bases that support the operation and surveillance requirements. Moreover, some of the Technical Specifications would involve administrative controls, specifically dealing with the process control program and offsite dose calculation manual.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications.

The Commission, in a revision to Appendix I, 10 CFR Part 50 required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement it became necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This cause the need for the Technical Specifications described above to be proposed. The staff proposes to determine that the application does not involve a significant hazards consideration since the change constitutes additional restrictions and controls that are not currently included in the Technical Specifications in order to meet the Commission's requirements related to "as low as is reasonably achievable."

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Attorney for the licensee: Harold F. Reis, Esquire, Lowenstein, Newman, Ross and Axelrad, 1025 Connecticut Avenue, N.W., Suite 1214, Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant, Unit Nos.a 3 and 4, Dade County, Florida

Date of amendments request: December 29, 1982.

Description of amendments request: These amendments would revise and add new requirements to the plant Technical Specifications for items required by NUREG–0737, Clarification of TMI Action Plan Requirements, for implementation by December 31, 1981. The amendments request includes: (1) additional Limiting Conditions of Operation for Purge Isolation; (2) adds setpoints for high containment radioactivity; (3) the surveillance requirements for Turbine Trip (Auto Stop Oil Pressure Switches) have been added and the basis for reactor trip on turbine trip provided; and (4) the additional requirement for prompt reporting of pressurizer power operated relief valves failures and safety value to the NRC.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether amendments involve no significant hazards considerations by providing certain examples (48 FR 14870). One of these examples is a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. The proposed amendments are in response to Generic Letter 82.16, dated September 20, 1982, which requested that all PWR licensees review their Technical Specifications to verify they were consistent with the guidelines provided or request amendments as necessary. Since the proposed amendments add requirements or conditions in accordance with staff positions to ensure compliance with regulations, these proposed changes fall within the above example of a change not likely to involve significant hazards consideration and the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Attorney for licensee: Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, N.W., Suite 1214, Washington, D.C. 20036.

NRC Branch Chief: Steven A Varga.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant, Unit Nos. 3 and 4, Dade County, Florida

Date of amendment request: May 5, 1983.

Description of amendment request: The proposed amendment request the deletion of non-radiological Environmental Technical Specifications (Appendix B) which address terrestrial, biological and physical monitoring programs. The justification for the requested deletions are based on the results of eight years of studies and the conclusions drawn.

Basis for proposed no significant hazards consideration determination: The amendments would delete the non-radiological monitoring programs related to terrestrial, biological and physical monitoring. The amendments would not change any current limitations related to the operation of the plants. Since no operational limitations are being changed, the staff proposes to determine that the amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated, do not create the possibility of a new or different accident from any accident previously evaluated and do not involve a significant reduction in a margin of safety. The staff, therefore, proposes to determine that the amendments do not involve a significant hazards consideration.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Attorney for licensee: Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, N.W., Suite 1214, Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant, Unit Nos. 3 and 4, Dade County, Florida

Date of amendments request: May 13, 1983.

Description of amendments request: These amendments involve Technical Specification changes which will incorporate an additional requirement for a monthly walkdown of all accessible safety-related flowpaths. The proposed change requires verifying that each accessible valve (manual, power operated or automatic) is in its correct position and verify the availability of power to those components related to the operability of the designated flowpaths.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether license amendments involve no significant hazards considerations by providing certain examples (48 FR 14870). One of the examples relates to a change that constitutes an additional limitation, restriction or control not presently

included in the plant Technical Specifications. These amendments are directly related to the example in that an additional restriction would be added to provide increased assurance of the availability of safety-related systems. This proposed change is in support of a commitment to the NRC staff and is consistent with the Standard Technical Specifications for Westinghouse plants. Since the application is in response to NRC staff request, incorporates current requirements, will provide additional assurance of safety-related system availability, and constitutes additional limitations and restrictions not currently contained in the license, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Attorney for licensee: Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, N.W., Suite 1214, Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

GPU Nuclear Corporation, Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of application for amendment: December 11, 1979.

Description of amendment request: The proposed amendment requests Technical Specification (TS) changes and additions required for the Inservice Inspection (ISI) Program.

Basis for proposed no significant hazards consideration determination: The ISI Program utilizes the Non-Destructive Examination methods to determine structural integrity of power plant components. The proposed changes to TS add additional inspection requirements by including Class 2 and 3 components as well as Class 1. The proposed TS additions would require inservice inspection of the reactor coolant system in accordance with the requirements of the Edition and Addenda of Section XI of the ASME Code as specified in 10 CFR 50.551. The Commission has provided guidance concerning the application of standards for no significant hazards considerations determination by providing certain examples (48 FR 14870, April 6, 1983). One of the examples of action likely to involve no significant hazards considerations is a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications. The proposed amendment, therefore, falls within the category of example (ii) because it involves an additional control not previously included in the TS. On this basis, the NRC staff proposes to find that this license amendment does not involve significant hazards consideration.

Local Public Document Room location: 101 Washington Street, Toms River, New Jersey 08753.

Attorney for licensee: G. F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Dennis M. Crutchfield.

Indiana and Michigan Electric Company, Docket No. 50–316, D. C. Cook Unit No. 2, Berrien County, Michigan

Date of amendment request: September 22, 1978.

Description of amendment request: This amendment for the Donald C. Cook Plant, Unit 2, involves an analysis to investigate the long-term containment temperature and pressure response to a postulated steam line break using the LOTIC–3 computer code. This analysis is in response to License Condition 2.C(3)(g) which was the subject of License Amendment No. 6 issued on June 16, 1978. Having presented the required reanalysis to the approved version of LOTIC–3, the licensee's proposal would remove the license condition as having been satisfied by the analysis provided.

Basis for proposed no significant hazards consideration determination: One of the Commission's examples (48 FR 14870) involving no significant hazards relates to a relief granted upon demonstration of acceptable operation from an operating restriction that was imposed because acceptable operation was not yet demonstrated. The proposed removal of the license condition is similar to the example in that the licensee has now performed (or demonstrated) a detailed computer analysis (or operation) and has fulfilled the requirements to the criteria previously found acceptable to the NRC. The License Amendment No. 6 issued on June 16, 1978 also found that the existing analysis results at that time involved no significant hazards consideration but that the revised reanalysis to meet the updated staffs approval of LOTIC–3 would be necessary. Based on the above, the staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Indiana and Michigan Electric Company, Docket Nos. 50–315 and 50–316, D. C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment request: April 8, 1983.

Description of amendment request: These amendments for the Donald C. Cook Plants involve adding statements to the Technical Specifications which would limit overtime worked by plant staff members in accordance with the NRC Policy Statement (Generic Letter No. 82–12 issued on June 15, 1982) and would require an annual report of all challenges to the pressurizer power operated relief valves or safety valves. These Technical Specification changes are in response to NRC Generic Letter 82–16 issued September 20, 1982, and cover Technical Specifications for TMI Action Items from NUREG–0737 which were to be implemented by December 31, 1981.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing examples of amendments that are likely to not involve a significant hazards consideration. These were published in the **Federal Register** on April 6, 1983 (48 FR 14870). One of the examples involving no significant hazards considerations relates to changes that constitute additional limitation, restriction, or control not presently included in the Technical Specifications. The changes proposed by these amendments are directly related to this example. Therefore, the staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: November 30, 1976.

Description of amendment request: Revises the Technical Specification (TS) to include a program for verification of sensor response time in the Reactor Protection System to ensure that protective instrumentation will function within the prescribed time limits and is in response to an NRC request during the review of the licensee's application for an operating license.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of the standards for determining whether a significant hazards consideration: exists by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards consideration include: "(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement." The proposed amendment is an example of an amendment that is considered not likely to involve significant hazards consideration in that the change constitutes additional limitations, restrictions, or controls not presently included in the Technical Specification and is thus similar to Example (ii) of 48 FR 14870 cited above.

Therefore, since the application for amendment involves proposed changes that are similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: November 10, 1981.

Description of amendment request: An amendment to modify the Technical Specification (TS) pertaining to six miscellaneous matters: the first, adds a paragraph under Limiting Conditions for Operation and Surveillance Requirements to provide a reference to the Accident Monitoring Instrumentation tables; the second, proposes to add a specific Recirculation Pump Trip (RPT) system trip level setting (response time) and delete the note "that the trip level setting would be determined by testing" to ensure the trip level setting is within the design criteria; the third, adds a 30 day reporting requirement to the Fire Suppression System Technical Specification to make it consistent with the wording of other similar sections; the fourth, changes a position title from Assistant Vice President-Nuclear to Director, Nuclear Generation for the purpose of organizational streamlining; the fifth, proposes alternatives to the requirements of High Radiation Areas concerning barriers, devices, signals and controls to meet the requirements of 10 CFR 20.203. The licensee currently complies with the regulation; however, the proposed changes are more explicit, thus better clarifying the requirements and would enhance the licensee's ability to comply with the regulation; and the sixth, adds a reference to the Fire Protection Systems for which Special Reports shall be submitted to make it consistent with other similar sections.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples involving no significant hazards consideration include "(i) a purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature; and, (ii) A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement." The changes proposed in the application for amendment are encompassed by these examples in that: the first proposed change regarding a reference to the Accident Monitoring Instrumentation tables is intended to achieve consistency throughout the specification and is therefore similar to Example (i); the second proposed change concerns the RPT system trip level setting (response time) and is intended to provide a more strigent surveillance requirement and is thus similar to Example (ii); the third proposed change revises the section on Special Reports to include the requirement "within 30 days" to achieve consistency throughout the Technical Specifications and is thus similar to Example (i); the fourth proposed change is a position title change and is considered a change in nomenclature because no position responsibilities have been altered and is thus similar to Example (i); the fifth proposed change concerns alternative to High Radiation Area requirements in 10 CFR 20.203 to which the licensee currently complies, but is intended to provide additional restriction and controls not presently included in the Technical Specifications and is thus similar to Example (ii); the sixth proposed change concerns adding a reference to the Fire Protection Systems Special Reports section and is intended to achieve consistency throughout the Technical Specifications and is thus similar to Example (i). Therefore, since the application for amendment involves proposed changes that are similar to examples for which no significant hazards considerations exist, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 426, Third Avenue, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: April 6, 1983.

Description of amendment request: Technical Specification (TS) changes to incorporate revised radiological effluent and environmental monitoring limiting conditions for operation, action statements, and surveillance requirements. The proposed changes are intended to implement the design objectives and requirements of 10 CFR 50.34(a), 10 CFR 50.36a, 10 CFR 20, 10 CFR 50 Appendix A-General Design Criteria 60 and 64, and 40 CFR 190.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of the standards for determining whether a significant hazards consideration exists by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). One such example involves a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

The change proposed by the licensee is intended to implement: 10 CFR 50.34(a), which pertains to Design Objectives for equipment to control releases of radioactive materials in effluents from nuclear power reactors; 10 CFR 50.36a, which pertains to Technical Specifications of effluents from nuclear power reactors; 10 CFR 20, which pertains, in part, to the controlled release of radioactive materials in liquid and gaseous effluents; 10 CFR 50, Appendix A-General Design Criteria 60, which pertains to control of releases or radioactive materials to the environment and 64, which pertains to monitoring radioactivity releases; and 40 CFR 190, which pertains to radiation doses to the public from operations, associated with the entire uranium fuel cycle. This amendment, therefore, reflects changes to make the Duane Arnold Energy Center license conform to changes in the regulations. Since the licensee is presently obligated by these regulations to control and limit offsite releases of radioactive materials to levels which are as low as is reasonably achievable, this license change will only result in very minor changes to facility operations which are clearly in keeping with the regulations.

Therefore, since the application for amendment involves proposed changes that are similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 426, Third Avenue, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Wiscasset, Maine

Date of amendment request: October 7, 1982.

Description of amendment request: The proposed changes to the technical Specifications provide additional assurance that the purge air supply, exhaust and bypass valves will operate to assure containment isolation in the event of an in-containment accident. These changes require regular testing and surveillance to obtain this assurance. Specifically, leakage integrity tests would be performed on the containment purge and vent isolation valves at 3 month intervals to identify excessive degradation of the resilient seats for these valves. It also specifies intervals for valve seat inspection and replacement.

Basis for proposed no significant hazards consideration determination: Prior to this application for amendment, there were no technical specifications covering the testing and surveillance of the purge air valves. Hence, adoption of this specification would constitute additional limitation, restriction or control not presently include in the technical specifications. This type of change matches example (ii) (48 FR 14870) of examples of amendments not likely to involve significant hazards considerations. Hence the Commission proposes to determine that this change involves no significant hazards consideration.

Local Public Document Room location: Wiscasset Public Library, High Street, Wiscasset, Maine.

Attorney for licensee: John A. Ritsher, Esq., Ropes & Gray, 225 Franklin Street, Boston, Massachusetts 02210.

NRC Branch Chief: Robert A. Clark.

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Wiscasset, Maine

Date of amendment request: February 18, 1983.

Description of amendment request: This amendment would allow the licensee to use the new YAEC-1 critical heat flux correlation as a basis for plant operation. YAEC-1 is an approved critical heat flux correlation. In implementing this new correlation, certain parameters of the reactor protective system and certain limiting conditions for operation will be modified. Actual plant operating margins will be broadened slightly because of the greater accuracy of the YAEC-1 correlation. However, both the YAEC-1 correlation and W-3, the existing correlation, provide a 95 percent probability that the departure from nucleate boiling heat flux is not exceeded in operation. The amendment would also correct a typographical error and a discrepancy in reporting inspection results. The latter are purely administrative changes, correcting minor errors made in previous licensing actions.

Basis for proposed no significant hazards consideration determination: The use of the YAEC-1 critical heat flux correlation does not represent a relaxation of safety limits, or the bases and criteria used to determine these limits. Since both correlations provide the fundamental assurance that the departure from nucleate boiling heat flux is not exceeded with a 95 percent probability level. Hence safety margins remain unchanged from when the plant was licensed.

The remainder of this change is purely administrative in that it corrects a misspelled word and a change accidentally omitted in Amendment No. 68. The Commission has provided examples of certain types of changes in 48 FR 14870 which are not likely to involve significant hazards considerations. An example of such a change is (i), a purely administrative change. The remainder of this change fits this criteria. Therefore, we propose to determine that these changes have no significant hazards consideration.

Local Public Document Room location: Wiscasset Public Library, High Street, Wiscasset, Maine.

Attorney for licensee: John A. Ritsher, Esq., Ropes & Gray, 225 Franklin Street, Boston Massachusetts 02210.

NRC Branch Chief: Robert A. Clark.

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of amendment request: April 8, 1983.

Description of amendment request: The proposed change is a revision to the Administrative Controls Section of Maine Yankee's Technical Specifications which improves and clarifies the section. The change would incorporate over thirty individual changes to this section.

One of these changes would relocate a requirement from Section 5.7 to the Safety Limits Section (2.0) of the Technical Specifications. It also upgrades this requirement to be consistent with 10 CFR 50.36. This upgrading makes the safety limit more restrictive since it requires the plant to be placed in hot shutdown in lieu of hot standby when a safety limit is violated.

The balance of the proposed change is purely administrative in nature. It does not involve safety system settings, limiting conditions for operation or surveillance considerations. Specifically these proposed changes cover:

—*Organization.*—Would clarify definitions and reflect offsite organizational changes. No loss of organizational quality is involved.

—*Facility Staff Qualifications.*—Would upgrade requirements for and provide flexibility in specifying staff qualifications.

—*Training.*—Would change specification to reflect current practice and for consistency with Appendix R and Standard Technical Specifications.

—*Review and Audit.*—Would allow the Plant Operations Review Committee to use subcommittees for routine reviews of procedures and other matters not central to plant safety. However, responsibility for the reviews would remain with the complete committee.

—*Safety Limit Violations.*—Would revise the specification to reflect the addition of Specification 2.0.

—*Procedures.*—Would specify management controls on changing instructions associated with design changes.

—*Reporting Requirements.*—Would update and make this section more internally consistent.

—*Record Retention and High Radiation Areas.*—Would make this section more internally consistent.

In addition, one section would be deleted as no longer applicable. A summary of these proposed changes is contained in the licensee's application for amendment dated April 8, 1983.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). Purely administrative changes to Technical Specifications are explicitly considered not likely to involve significant hazards.

Changes that constitute an additional limitation, restriction, or control not presently included in the Technical Specifications match the example (ii) (48 FR 14870) of the examples considered not likely to involve significant hazards considerations.

The proposed changes presented here fall into these categories. The safety limit to be transferred to Section 2.0 would be made restrictive by requiring the plant to be in hot shutdown versus hot standby.

The remaining proposed changes are purely administrative in nature. Even where these changes proposes changes to the structure of an organization or the way it functions, they are effectively administrative in that the quality of the organization or the work they produce does not significantly affect plant safety. These changes do not change plant safety.

They represent changes similar to example (i) (48 FR 14870) of the examples the Commission has provided that are not likely to invole significant hazards considerations.

Local Public Document Room location: Wiscasset Public Library, High Street, Wiscasset, Maine 04578.

Attorney for licensee: J. A. Ritsher, Esq., Ropes & Gray, 225 Franklin Street, Boston, Massachusetts 02110.

NRC Branch Chief: Robert A. Clark.

National Bureau of Standards, Docket No. 50–184, Gaithersburg, Maryland

Date of amendment request: May 5, 1983.

Description of amendment request: The proposed amendment would incorporate into the license the Commission-approved Physical Security Plan. The Plan provides for the protection of special nuclear material of moderate strategic significance.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). The proposed amendment is similar to Example (ii), "A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications; . . ." in that amendment would add a license condition (both technical specifications and license conditions are requirements of the license) to incorporate the Commission-approved Physical Security Plan into the license. The Physical Security Plan provides for the protection of special nuclear material of moderate strategic significance. (The Physical Security Plan consists of Safeguards Information of the type specified in 10 CFR 73.21 and accordingly is withheld from public disclosure.) On this basis, the Commission proposes to determine that this action does not involve a significant hazards consideration.

Local Public Document Room location: None.

Attorney for licensee: Allen J. Farrar, Administration Building 1128, National Bureau of Standards, Washington, D.C.

NRC Branch Chief: Cecil O. Thomas.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: June 9, 1982.

Description of amendment request: The amendment would permit operation after approval of changes to the Radiological Effluent Technical Specifications that assure compliance with Appendix I of 10 CFR Part 10. The amendment provides new Technical Specification sections defining limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring; concentration, dose and treatment of liquid, gaseous and solid wastes; total dose; radiological environmental monitoring that consists of a monitoring program, land use census, and interlaboratory comparison program. This change also incorporates into the Technical Specifications the bases that support the operation and surveillance requirements. In addition, some changes were made in administrative controls, specifically dealing with the process control program and the offsite dose calculation manual. The amendment is in accordance with the licensee's application for amendment dated June 9, 1982.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for making a "no significant hazards consideration" determination by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions of controls not presently included in the technical specifications.

The Commission, in a revision to Appendix I, 10 CFR Part 50 required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement it became necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This caused the addition of Technical Specifications described above. The staff proposes to determine that the application does not involve a significant hazards consideration since the change constitutes additional restrictions and controls that are not currently included in the Technical Specifications in order to meet the Commission mandated release of "as low as is reasonably achievable".

Local Public Document Room location: Auburn Public Library, 188 15th Street, Auburn, Nebraska 68304.

Attorney for licensee: Mr. G. D. Watson, Nebraska Public Power District, P.O. Box 499, Columbus, Nebraska 68601.

NRC Branch Chief: Domenic B. Vassallo.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York.

Date of amendment request: March 3, 1977.

Description of amendment request: This amendment would make changes to

the Technical Specification to modify the list of Reactor Coolant System Isolation Valves and Primary Containment Isolation Valves as well as other provisions of the license to achieve conformance with 10 CFR 50, Appendix J. The proposed change is in response to an NRC request dated August 7, 1975 that asked the licensee to review their containment leakage program and provide a plan for achieving compliance with Appendix J.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards consideration include: ". . . (i) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications; for example, a more stringent surveillance requirement" and. "(ii) A change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations."

The changes proposed in the application for amendment are encompassed by the above examples in that: (1) the adding of additional valves to be local leak rate tested is an additional restriction and is, therefore, similar to example (i) above, and (2) other changes proposed as necessary because the licensee is currently required by the regulations to limit primary containment leakage and is to make the license conform to 10 CFR 50, Appendix J, are considered minor with regard to facility operation thus clearly keeping with the regulation, and, therefore, are similar to example (vii) above.

Therefore, since the application for amendment involves a proposed change that is similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Attorney for licensee: Troy B. Conner, Jr., Esquire, Conner & Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, N.W. Washington, D.C. 20006.

NRC Branch Chief: Domenic B. Vassallo.

Niagara Mohawk Power Corporation, Docket Nos. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York.

Date of amendment request: March 22, 1978.

Description of amendment request: An amendment to the Technical Specifications adding Limiting Conditions for Operation, surveillance requirements, and changes to the bases for the Fire Protection Program at the facility. The proposed change was submitted at NRC's request using guidance provided by NRC. The change is intended to bring the Technical Specification in concert with the fire protection program by listing additional detectors installed, clarifying reporting requirements, and specifying requirements for newly installed fire protection systems.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards consideration include:

(1) A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature.

(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surviellance requirement.

The changes proposed in the application for amendment are encompassed by these examples in that: (1) They would provide administrative clarity by correcting the numbering system and typographical errors; (2) they would provide Limiting Conditions for Operation and surveillance requirements for newly installed fire protection equipment.

Therefore, since the application for amendment involves a proposed change that is similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Attorney for licensee: Troy B. Conner, Jr., Esquire, Conner & Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

NRC Branch Chief: Domenic B. Vassallo.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: March 22, 1978.

Description of amendment request: This amendment would make changes to the Technical Specification to the listed isolation valves for the nitrogen gas make-up lines to the drywell and suppression chamber for Containment Atmosphere Dilution (CAD) and Gas Analyzer Systems. The amendment further clarifies when and for what purpose the particular valves are to be used. The changes are required to incorporate in the Specifications the above mentioned valves which were added with the installation of these systems.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determinig whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards consideration include: " * * *(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement." The changes proposed in the application for amendment are encompassed by this example in that the proposed change would add Limiting Conditions for Operation and surveillance requirements on the nitrogen make-up lines for the CAD and Gas Analyzer isolation valves that previously had no specifications imposed, and is thus similar to the example described above.

Therefore, since the application for amendment involves a proposed change that is similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Attorney for licensee: Troy B.Conner, Jr., Esquire., Conner and Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

NRC Branch Chief: Domenic B. Vassallo.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: March 22, 1978 and May 2, 1983.

Description of amendment request: The amendment would make changes to the Technical Specifications to: (1) accommodate shifts in transition temperature for the reactor pressure vessel materials that were induced by radiation damage. These shifts are accounted by revisions of the plant pressure-temperature limits for heating up and cooling down the reactor vessel. Periodic review and adjustment, if necessary, of the curves from the in-situ surveillance sample test results are required by 10 CFR 50, Appendices G and H; and (2) to revise the surveillance coupon program for the facility since one of three reactor vessel material sample containers was inadvertently misplaced during a refueling outage. The proposed change would delete the requirement for a third, standby capsule. Industry surveillance data will be used to supplement the test results obtained from the facility surveillance program. This constitutes an integrated surveillance program. Integrated surveillance programs are acceptable under the provisions of 10 CFR 50, Appendices G and H.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards consideration includes a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

The changes proposed in the application for amendment are encompassed by this example in that: (1) the change to the pressure-temperature limits are similar to example above because the regulations in 10 CFR 50, Appendices G and H required updating of pressure-temperature limits based on the surveillance program. The proposed license change would result in very minor changes to the facility operation clearly in keeping with the regulations; and (2) the change to the surveillance program is similar to the example above because provisions are incorporated in 10 CFR 50, Appendices G and H for relief from the number of surveillance capsules required if the licensee used an integrated surveillance program utilizing results from other facilities. The proposed change would not affect facility operation in that the information obtained from the integrated surveillance program would provide more information than could be obtained from the third standby capsule and is clearly in keeping with the regulations. Therefore, since the application for amendment involves a proposed change that is similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: State University College at Oswego, Penfield Library-Documents, Oswego, New York 13126.

Attorney for licensee: Troy B. Conner, Jr., Esquire, Conner and Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

NBC Branch Chief: Domenic B. Vassallo.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: April 14, 1980 superseded by March 20, 1981.

Description of amendment request: This amendment would make changes to the Technical Specification by adding to the list of required snubbers, providing surveillance requirements including frequency and acceptance criteria, and providing limiting conditions for operation for the facility should snubbers be inoperable. This change was proposed to incorporate the provisions of the model Technical Specifications transmitted to all power reactor licensee's in a letter dated November 20, 1980.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards consideration include: ". . . (ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications; for example, a more stringent surveillance requirement." The changes proposed in the application for amendment are encompassed by this example in that the proposed change would add Limiting Conditions for Operation and surveillance requirements on existing and newly installed snubbers, and is thus similar to the example described above.

Therefore, since the application for amendment involves a proposed change that is similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: State University College at Oswego, Penfield Library-Documents, Oswego, New York 13126.

Attorney for licensee: Troy B. Conner, Jr., Esq., Conner & Watterhahn, Suite 1050, 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

NRC Branch Chief: Domenic B. Vassallo.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: April 18, 1980 superseded by April 21, 1983.

Description of amendment request: The amendment would make changes to the Administrative Controls (Section 6.0) of the Technical Specifications to: (1) Accommodate an increase and improved staff in the on-site organization, correct title changes in the organization and reflect the strengthening of the Quality Assurance (QA) function by elevation of the Manager of QA to a Vice President reporting directly to the President; (2) include changes for the frequency of audits related to the Safeguards Contingency Plan and Emergency Preparedness program from every 2 years to annually; (3) change the provisions for entering and controlling entry to high radiation areas by imposing additional conditions similar to those included in current Standard Technical Specifications for BWRs; and (4) correct a typographical error with regard to the provisions for the fire brigade staff.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The following were included in the examples as actions involving no significant hazards consideration: (i) a purely administrative change to the technical specification, (ii) a change that constitutes an additional limitation, restriction or control not presently included in the technical specifications,

(iii) a change to make a license conform to changes in the regulation, where the license change results in very minor changes to facility operation clearly in keeping with the regulations.

The changes proposed in the application are encompassed by the above stated examples as follows: (1) The change is similar to examples (i) and (ii) above in that the organizational structure is more restrictive because it more specifically defines the organization and strengthens the QA function and is administrative because it corrects the organizational titles; (2) the change is similar to examples (ii) and (iii) above in that the proposed audit frequencies are necessary to bring the Technical Specifications into conformance with 10 CFR 50.54(5) and 10 CFR 73.40d and is more restrictive since it increases the required audit frequencies; (3) the change in the radiation protection provisions is similar to example (ii) above in that additional limitations similar to those in Standard Technical Specifications are to be adopted; and (4) the change to the fire brigade staff is for the correction of a typographical error and, therefore, administrative.

Based on the above, the staff proposed to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Attorney for licensee: Troy B. Conner, Jr., Esq., Conner & Wetterhahan, Suite 1050, 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

NRC Branch Chief: Domenic B. Vassallo.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: May 20, 1980.

Description of amendment request: The amendment would make changes to the Technical Specification regarding the use of the term "operable" as it applies to safety systems in power reactors. The proposed change includes a definition of "operable" as well as a section on operability requirements in the Limiting Conditions for Operation and surveillance section of the Technical Specification. In particular, the proposed change requires the normal or emergency power source as well as the safety system itself to be operable or the unit be placed in a condition required for the individual system itself. The proposed change was in response to a generic letter issued to all licensees on April 10, 1980 on Multip-Plant Item D–17. The letter provided proposed revised Technical Specifications for each licensee, and requested that they be adopted.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards consideration include: ". . . (ii) A change that consititues an additional limitation, restriction, or control not persently included in the technical specifications; for example, a more stringent surveillance requirement." The changes proposed in the application for amendment are encompassed by this example in that the proposed change is more restrictive because it states a previously implicit requirement for support systems to be functional and provides a reference to the action statements for Limiting Conditions of Operation for each particular safety system.

Therefore, since the application for amendment involves a proposed change that is similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126

Attorney for Licensee: Troy B. Conner, Jr., Esquire, Conner & Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

NRC Branch Chief: Domenic B. Vassallo.

Northeast Nuclear Energy Company, Docket No. 50–336, Millstone Nuclear Power Station, Unit 2, New London County, Connecticut

Date of amendment request: October 22, 1982.

Description of amendment request: Approvals of three unrelated changes are requested:

1. Revise Technical Specification 3.1.3.3 Action b to allow startup and power operation, including mode changes, with one inoperable reed switch position indicator channel per control element assembly (CEA) group, provided the associated CEAs can be moved to the full out position and confirmed to be in that position.

2. Revise Technical Specification 3.5.1 Limiting Condition for Operation b to expand the allowable volume band for the safety injection tanks (SIT) from 1107–1170 to 1060–1190 cubic feet, in order to provide greater operating flexibility.

3. Revise Technical Specifications 3.6.1.3 relative to containment air locks and 3.6.1.1 relative to containment integrity to clarify the applicability of containment integrity requirements when the containment air lock seal is inoperable. TS 3.6.1.3 presently allows operation of the unit to continue for 24 hours after an air lock door is found to be inoperable. The proposed changes in TS 3.6.1.3 would allow unit operation to continue with an air lock door inoperable until performance of the next required overall air lock leakage test provided the operable air lock door is locked within 24 hours and is verified to be locked closed at least once per 31 days. In addition, a footnote would be added to the TS 3.6.1.1 Action statement to make clear that "operation within the time allowance of the TS 3.6.1.3 Action statements does not constitute a loss of containment integrity."

To be consistent with Standard Technical Specifications, TS 3.6.1.1 would also be modified by changing the ACTION statement to require the unit to be in hot standby within 6 hours, and then in cold shutdown within the next 30 hours, instead of simply requiring that the unit be in cold shutdown within 36 hours, following the first hour without primary containment integrity. An addition to the related surveillance requirement TS 4.6.1.1 would require verification that a combined penetration leakage rate is not exceeded after each closing of a penetration subject to type B testing (except the containment air lock).

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance (48 FR 14870) in the form of examples of amendments that are considered not likely to involve significant hazards considerations. These examples are applicable to the proposed changes in the following manner:

1. The revision of TS 3.1.3.3 action b is encompassed by example (vi) which applies to "a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan." Since the Technical Specifications

presently do not allow changing the reactor operating modes if the remedial measures of a TS action statement (i.e., equipment inoperable) are implemented, startup of the reactor with an inoperable reed switch position indicating channel is prohibited. The proposed change would allow startup and mode changes and may in some minor way reduce a safety margin. However, such operation would not be of greater concern than full-power operation with an inoperable channel, which is presently permitted under TS 3.1.3.3. Further, the CEA "full-in and "full-out" limit switches provide an independent means of determining the CEA positions when they are at either of those positions, as they are required to be if an associated position indicating channel becomes inoperative.

2. Example (vi) also applies to the proposed revision of TS 3.5.1 since lowering the SIT volume lower limit from 1107 to 1080 cubic feet would slightly reduce the volume of borated water available from this source to cover the core following a loss-of-coolant accident (LOCA). However, the proposed limits were used in the Millstone Unit 2 Cycle 5 LOCA analysis in 1982 and the results were found to meet the Commission's acceptance criteria for emergency core cooling system (10 CFR 50.46). The proposed limits were also used in the licensee's Cycle 6 LOCA analysis, which assumes an increase from 9.4% to 15.3% of steam generator tubes plugged, and our preliminary assessment of it indicates only a 10°F increase in the calculated peak clad temperature to 2055°F. This is well below the limit of 2200°F imposed by 10 CFR 50.46.

3. Example (vi), described above, applies to the changes in TS 3.6.1.3 and 3.6.1.1 as they would allow continued operation beyond 24 hours after an airlock door is found inoperable. This may in some way reduce a safety margin, but the Commission staff regards this possibility as extremely unlikely since the inoperable door would be closed and the operable airlock door must be locked closed before such continued operation is permitted. The other changes in TS 3.6.1.1 and 4.6.1.1 are similar to Commission example (ii) which applies to a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications. The proposed requirements of TS 3.6.1.1 and 4.6.1.1 are additional limitations not presently in the Technical Specifications.

Based on the above, the Commission proposes to determine that the requested action does not involve a significant hazards consideration.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut.

Attorney for Licensee: William H. Cuddy, Esquire, Day, Berry and Howard, One Constitution Plaza, Hartford, Connecticut 06103.

NRC Branch Chief: Robert A. Clark.

Northeast Nuclear Energy Company, et al., Docket Nos. 50-245 and 50-336, Millstone Nuclear Power Station, Units No. 1 and No. 2, New London County, Connecticut

Date of amendment request: November 22, 1982.

Description of amendment request: The amendments would revise the Radiological Effluent Technical Specifications to bring them into compliance with Appendix I of 10 CFR Part 50. They would provide new Technical Specification sections defining limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring; concentration, dose and treatment of liquid, gaseous and solid wastes; total dose; radiological environmental monitoring that consists of a monitoring program, a land use census, and an interlaboratory comparison program. The procedures to be followed and the bases that support the operation and surveillance requirements would be stated in the Licensee's Radiological Effluent Monitoring and Offsite Dose Calculation Manual (REMODCM).

The amendments would also incorporate the revised radiological specifications into Appendix A of the Technical Specifications and remove those in Appendix B.

Basis for proposed no significant hazards consideration determination. The Commission, in a revision to Appendix I of 10 CFR Part 50, required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement, it is necessary to provide additional restrictions and controls in the Technical Specifications to assure compliance. The proposed amendments would meet this objective by adding the Technical Specification sections described above.

The Commission has provided guidance in the form of examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870). Example (ii) regarding a change that constitutes an additional limitation, restriction or control not presently included in the technical specifications is clearly applicable to these proposed amendments. The NRC staff therefore proposes to determine that this application does not involve a significant hazards consideration.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut.

Attorney for licensee: William H. Cuddy, Esq., Day, Berry & Howard, One Constitution Plaza, Waterford, Connecticut 06103.

NRC Branch Chiefs: Robert A. Clark, Dennis Crutchfield.

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: January 30, 1976 as revised May 4, 1976 as further revised on September 2, 1977 and supplemented on March 20, 1978.

Description of amendment request: The proposed amendment would add Limiting Conditions for Operation and Surveillance Requirements to incorporate the requirements of Appendix J on the lead tight integrity of the primary reactor containment and systems and components which penetrate the containment. The proposed changes were requested by the NRC of all licensees to bring them into conformance with Section 50.54(o) and Appendix J of 10 CFR Part 50 "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors."

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870).

The examples of actions which involve no significant hazards consideration include a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement. The changes proposed in this application for amendment are encompassed by this example because restrictions would be added to conform to the Rules and Regulations of the Commission. The published Section 50.54(o) and Appendix J of 10 CFR Part 50 ensure that system and components which penetrate the containment are tested on a regular

interval and the leak-tight integrity of the primary reactor containment is ensured.

Therefore, since the application for amendment involves proposed changes similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW, Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: May 15, 1980.

Description of amendment request: Request for an amendment to the Technical Specifications to modify the definition of the term "Operable" as it applies to the single-failure criterion for safety systems. The proposed change was in response to NRC's April 10, 1980 letter, which was sent to all licensees, requesting that they revise the definition of "Operable" consistent with guidance issued by the NRC. The NRC has proposed a revised definition that is more restrictive in that it extends the definition to include systems that are associated with the system in question.

The current Technical Specification define a system or component as "Operable" "when it is capable of performing its intended function in its required manner." The proposed changes will preserve the single-failure criterion by requiring all redundant components of safety related systems to be "Operable." When the required redundancy is not maintained, either due to equipment failure or maintenance outage, action is required, within a specified time, to change the operating mode of the plant to place it in a safe condition. These provisions would assure that no set of equipment outages would be allowed to persist that would result in the facility being in an unprotected condition.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards consideration include actions which are changes that constitute an additional limitation, or control not presently included in the Technical Specifications.

The changes proposed in the application for amendment are encompassed by this example because the guidance provided by the NRC for the revised definition of the term "Operable" is more restrictive in that the operability of systems associated with the system in question must also now be considered.

Therefore, since the application for amendment involves proposed changes that are similar to the examples for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Environmental Conservation Library Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW, Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota.

Date of amendment request: September 24, 1982.

Description of amendment request: The revisions to the Technical Specifications would increase the allowable deviation in the trip setting of the temperature switches in the main steam line tunnel from 2° to 10°F. The current Technical Specifications specify a trip setpoint of 200°F, with an allowable deviation of 2°F. The proposed changes would authorize an increase of the allowable deviation to 10°F, but would not change the "as left" setpoint of 200°F. The licensee has requested the proposed changes because the licensee considers the current deviation to be overly restrictive, resulting in unnecessary reportable events.

To justify an increase in the "as-found" setpoint for these switches, the amendment is supported by a report which was prepared by the licensee's consultant, EDS Nuclear, Inc., and was attached to the September 24, 1982 application. The report concludes that a small break of 5 to 10 gpm is sufficient to increase the tunnel temperature to 212°F. Since the licensee will maintain the "as left" setpoint at 200°F and is only proposing to change the allowable deviation to 10°F, the "as-found" setting is likely to be below 212°F. At a temperature of 212° or less, the analysis shows that the main steam line tunnel temperature switches would isolate and limit releases of radioactivity before the requirements of 10 CFR Part 100 are exceeded.

Other changes proposed in the September 24, 1982 application are being handled by separate action.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples. The examples of actions involving no significant hazards consideration include (vi) a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan.

The changes proposed in the application for amendment are encompassed by this example because a deviation of 10 degrees in the positive direction does constitute a relaxation of the current Technical Specification limit, and thus, may reduce in some way a safety margin. However, the staff's criteria require that the licensee have the capability to detect a postulated break within the temperature increase. Temperature monitoring instrumentations is provided in the main steam line tunnel to detect leaks in this area. Trips are provided on this instrumentation and, when exceeded, will isolate the reactor. For small breaks, the temperature monitoring switches must give the isolation trip signal before the limits of 10 CFR Part 100 are exceeded. The instrument's setpoint must detect small leaks of 5 to 10 gpm and for large breaks, it is a back-up to high steam flow instrumentation. Because the licensee has submitted information which concludes that the main steam line tunnel temperature would increase to 212 degrees as a result of a postulated break, the deviation proposed by the licensee when combined with the setpoint, remains within the scope of the acceptance criteria specified in 10 CFR Part 100.

At Monticello, a total of 16 switches are located in the main steam line tunnel with 1 out of 2 taken twice logic, providing the safety function.

Furthermore, the licensee states that the temperature switch array is in adequate proximity to the piping to sense high temperature without the necessity of the discharged fluid heating the entire main steam line tunnel to 212°F. The probability of all 16 switches failing at once is very unlikely especially since only 1 out of 2 (taken twice) are needed to provide the trip function. The proposed change will minimize the reporting occurrences to the Commission.

Therefore, since the application for amendment involves a proposed change that is similar to examples for which no significant hazards consideration exists, the staff has made a preliminary determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: September 24, 1982.

Description of amendment request: The amendment would add new Limiting Conditions for Operation and Surveillance Requirements for Residual Heat Removal System (RHR) in the Shutdown Cooling Mode. This proposed change was made in response to an NRC request and will specify isolation setpoints to protect the low pressure piping which supplies water to cool the reactor when it is cooling down or shutdown. These setpoints will permit injection of cooling water only when reactor vessel pressure is less than the RHR cut-in permissive setpoint.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of actions which involve no significant hazards consideration include actions with additional limitation, restriction, or control not presently included in the Technical Specifications.

The proposed changes are encompassed by this example because additional limitations will be added to the Technical Specifications by specifying Limiting Conditions for Operations and Surveillance Requirements for the RHR Shutdown Cooling System. The proposed changes were made at the request of the NRC and will specify limitations to protect the system from high pressures.

Therefore, since the application for amendment involves proposed changes that are similar to the examples for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Mineapolis, Minnesota.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and, Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generation Plant, Wright County, Minnesota

Date of amendment request: September 24, 1982.

Description of amendment request: The proposed changes to the Technical Specifications would clarify the Limiting Conditions for Opertaion and Surveillance Requirements associated with jet pump operability. The licensee states that the proposed surveillance program would provide additional assurance that jet pump degradation will be detected before actual jet pump failure. The proposed changes would prescribe a program to monitor various parameters, such as core flow, core plate differential pressure, recirculation pump flow and speed, so the aceptability of jet pump performance can be clearly determined. The proposed Limiting Conditions for Operation contain the minimum acceptable standards, and when they are not met, the reactor would be shut down within 24 hours because an inoperable jet pump may present a hazard in the event of a large break accident by reducing the capability of reflooding the core. Other proposed changes requested in this application will be noticed separately.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples. The examples of actions involving no significant hazards consideration involve (ii) a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement.

The proposed changes in this application for amendment are encompassed by this example because the revisions to the Technical Specifications would clarify the Limiting Conditions for Operation and Surveillance Requirements associated with jet pump operability. The licensee states that the proposed surveillance program would provide additional assurance that jet pump degradation will be detected before actual jet pump failure. By being a better diagnostic tool, the proposed changes would add more control for plant operations.

Therefore, since the application for amendment involves proposed changes similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that this application involes no significant hazards consideration.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: February 15, 1983.

Description of amendment request: The amendment would add new Limiting Conditions for Operation and Surveillance Requirements for the Turbine Bypass Valves and the Feedwater/Turbine Trip on high water level. The turbine bypass valves mitigate the presssure transient following turbine trips and are assumed, in the reload analysis, to function during a feedwater controller failure.The feedwater/turbine trip on high reactor water level mitigates the event of feedwater controller failure and is assumed to function during that transient. The proposed changes to the Technical Specifications were requested of the licensee in a Safety Evaluation from the NRC, dated December 6, 1982, in order to assure the operability of systems for which the licensee took credit in its analyses.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards consideration include actions which are changes that constitute an additional limitation or control not presently included in the Technical Specifications.

The changes proposed in the application for amendment are encompassed by this example because additional limitations would be added for the turbine bypass valves and the Feedwater/Turbine trip on high water level (in conformance to the request made by the staff to assure the operability of these systems). Therefore, since the application for amendment involves proposed changes that are similar to the examples for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Attorney for Licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and, Trowbridge, 1800 M Street, NW, Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Pacific Gas & Electric Company, et al. Docket 50–275, Diablo Canyon Nuclear Power Plant, Unit 1, San Luis Obispo, California

Date of amendment request: December 17, 1982.

Description of amendment request: The application requests Technical Specification Appendix A of the Operating License be revised to increase the frequency of audit from 24 months to 12 months for auditing the Emergency Plan, the Security Plan and their associated procedures.

Basis for proposed no significant hazards consideration determination: The NSHC determination was based upon matching the amendment request to the example (vii) of paragraph 50.92. The requested change in Technical Specifications constitutes "A change to make a license conform to change in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations." The proposed amendment will modify the Technical Specifications to conform with changes in Section 50.50 (t) and 73.40 (d) of Title 10 of the Code of Federal Regulations referred to in example (vii).

Local Public Document Room location: California Polytechnic State University Library, Document and Maps Department, San Luis Obispo, California 93407.

Attorneys for Licensee: Philip A. Crane, Jr., Esq., Pacific Gas & Electric Company, 77 Beale Street, San Francisco, California 94106 and Norton, Burke, Berry & French P. C. Attn: Bruce Norton, Esq., 2002 East Osborn Road, Phoenix, Arizona 85106.

NRC Branch Chief: George W. Knighton.

Philadephia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County Pennsylvania.

Date of amendment request: May 26, 1982.

Description of amendment request: The amendment request involves a proposed revision to Technical Specification Table 3.2.C (Instrumentation That Initiates Control Rod Blocks) which would increase the minimum number of required operable instrument channels for the Average Power Range Monitor (APRM) Rod Block Trip System from two to four and the Intermediate Range Monitor (IRM) Rod Block Trip System from three to six. These changes involve six specific control rod withdrawal blocks which are intended to inhibit control rod withdrawal when an unsafe condition is being approached by a specific monitored parameter. The amendment request also involves a proposed revision to the "Action" statement governing the above Rod Block Systems which would add a provision that permits restoring an inoperable channel to operable status within seven days before placing the inoperable channel in the tripped condition. Both of the above revisions conform to the BWR Standard Technical Specifications (NUREG–0123, Revision 3).

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether license amendments involve no significant hazards considerations by providing certain examples (48 FR 14870). One of the examples (ii) of actions involving no significant hazards consideration is a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications. The proposed change requesting an increase in the required minimum number of operable instrument channels for both the APRM and IRM Rod Block Trip Systems is in accordance with the BWR Standard Technical Specifications (NUREG–0123, Revision 3) and constitutes additional limitations, restrictions or controls not presently included in the Technical Specifications. On this basis, the Commission proposes to determine that this change involves no significant hazards considerations.

The proposed change to the "Action" statement fits another Commission example (vi) of an action not involving a significant hazards consideration; namely, a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. The proposed revision would permit keeping an inoperable channel in a non-tripped condition for up to seven days in contrast to the current requirements of placing the inoperable channel in a tripped condition within one hour. However, as discussed above, the proposed revision would also increase the minimum number of required operable channels. For this reason and the fact that the changes are in accordance with the BWR Standard Technical Specifications, which are recognized by the NRC staff as an acceptable means of implementing NRC requirements, the NRC staff proposed to determine this change does not involve a significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Attorney for licensee: Troy B. Conner, Jr., 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

NRC Branch Chief: John F. Stolz.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania

Date of amendment request: October 15, 1982.

Description of amendment request: The proposed amendment would require an external visual examination of the

suppression chamber whenerve the local suppression pool temperature exceeds 200°F coincident with relief valve operation. The new limits reflect the completed modification of the Safety Relief Valve discharge to incorporate the T-quencher design which test data has shown to provide effective steam condensation at elevated suppression pool local temperatures. The proposed amendment would also revise operability and surveillance requirements to reflect modifications to the suppression pool temperature monitoring system in accordance with criteria of Appendix A of NUREG–0661, "Mark I Containment Long Term Program." The proposed operability and surveillance requirements provide for an instrument calibration frequency of once per operating cycle and an instrument check of once each day consistent with standards approved in the BWR Standard Technical Specification. In addition, several editorial type changes are requested for Section 3.7.A.1.C in the interest of clarification. Finally, the proposed amendment requests the deletion of certain specifications and footnotes in the Unit 3 Technical Specifications. These changes pertain to a previous amendment which referenced certain modifications which have now been completed, therefore, making these references and footnotes obsolete.

Basis for proposed no significant hazards consideration determination: The Commission has provide guidance concerning the application of standards for determining whether license amendments involve significant hazards considerations by providing certain examples which were published in the **Federal Register** on April 6, 1983 (48 FR 14870). One of the examples (vi) of an action involving no significant hazards considerations is a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. The proposed amendment would increase the local suppression pool temperature limit from 160° to 200°F coincident with relief valve operation before requiring an external visual examination of the suppression chamber. This change is a result of the change from ramshead discharge devices to T-quenchers which is part of the Mark I Long Term Program. The above changes are in accordance with the criteria of Appendix A of NUREG–0661 which provide the Commission's guidance in restoring the originally intended design safety margins to Mark I suppression chambers. Because NUREG–0661 represents the Commission's position with respect to establishing the margins of safety in the Mark I Containment design and is, therefore, similar to the Standard Review Plans, the Commission proposes to determine that this change involves no significant hazards considerations.

The proposed change to revise operability and surveillance requirements to reflect Mark I Long Term Modifications to the suppression pool temperature system would decrease instrument calibration frequency from once per six months to once per operating cycle and the instrument check from once each shift to once each day. These proposed changes appear also to fit the example (vi) of an action involving no significant hazards considerations which was presented above. The operability and surveillance requirements proposed by the licensees are in accordance with the BWR Standard Technical Specifications (NUREG-0123, Revision 3). The Standard Technical Specifications are recognized by the Commission as an acceptable means of implementing NRC requirements and are, therefore, similar to the Standard Review Plans. On this basis, the Commission proposed to determine that these changes involve no significant hazards considerations.

Another example (i) of actions involving no significant hazards considerations relates to amendments involving a purely administrative change; for example, a change to achieve consistency throughout the Technical Specifications. The proposed changes to delete obsolete footnotes and specifications for Unit 3 because of completed modifications fit this example. The editorial changes requested for both Units in Section 3.7.A.1.C are also purely administrative changes. On this basis, the Commission proposes to determine that these changes involve no significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Attorney for licensee: Troy B. Conner, Jr., 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

NRC Branch Chief: John F. Stolz.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of amendment request: November 29, 1982

Description of amendment request: The amendments would permit operation after approval of changes to the Radiological Effluent Technical Specifications that bring them into compliance with Appendix I of 10 CFR Part 50. The amendments provide new Technical Specification sections defining limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring; concentaration, dose and treatment of liquid, gaseous and solid wastes; total dose; radiological environmental monitoring that consists of a monitoring program, land use census, and interlaboratory comparison program. These changes would also incorporate into the Technical Specifications the bases that support the operation and surveillance requirements. In addition, some changes would be made in administrative controls, specifically dealing with the process control program and the offsite dose calclation manual. The amendments are in accordance with the licensees' application for amendment dated November 29, 1982.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications.

The Commission, in a revision to Appendix I, 10 CFR Part 50 required licensees to improve and modify their radiological effleuent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement it became necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This caused the addition of Technical Specifications described above.

The staff proposes to determine that the application does not involve a significant hazards consideration since

the change constitutes additional restrictions and controls that are not currently included in the Technical Specifications in order to meet the Commission mandated release of "as low as is reasonably achievable."

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania

Attorney for licensee: Troy B. Conner, Jr., 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

NRC Branch Chief: John F. Stolz.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania.

Date of amendment request: April 4, 1983.

Description of amendment request: The current Technical Specification (TSs) require that both redundant isolation valves on the High Pressure Coolant Injection (HPCI) turbine exhaust drain line receive all three Group 4 isolation signals; however, one valve receives only two signals. The purpose of HPCI is to provide high pressure emergency core cooling capability. The proposed change to the TSs would provide a statement in the Notes For Table 3.7.1 indicating that one of the HPCI steam line exhaust drain valves does not actuate upon receipt of one of the Group 4 isolation signals; namely, the HPCI steam line low pressure signal. Isolation of the HPCI steam exhaust drain line by the third signal, the HPCI steam line low pressure signal, is, however, provided by the HPCI turbine exhaust vacuum breaker isolation valve (Table 3.7.1). The curent TSs do not reflect the use of three isolation valves to provide all isolation features. The proposed amendment would provide clarification of this isolation trip feature on the HPCI system.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether license amendments involve significant hazards consideration by providing certain examples which were published in the **Federal Register** on April 6, 1983 (48 FR 14870). This particular amendment request does not precisely fit any of the examples provided in the **Federal Register**. However, it appears that the use of the HPCI turbine exhaust vacuum breaker isolation valve which does isolate on the HPCI steam line low pressure signal will provide the equivalent isolation features for the HPCI steam exhaust drain line as originally outlined in Table 3.7.1. This is accomplished by relying on a third isolation valve associated with the HPCI turbine exhaust vacuum breaker. The licensee indicates that this design meets the isolation criteria of 10 CFR 50, Appendix A, General Design Criteria. In addition, the licensee states that only two signals would be necessary to isolate the HPCI system on a HPCI line break. These two signals, HPCI steam line high flow and HPCI team line space high temperature (the first two Group 4 isolation signals), satisfy the requirements for initiating signal diversity for all postulated line break scenarios. Therefore, it would appear that the HPCI low steam line pressure signal is not required to ensure isolation of the system in the event of a line break. Based upon the apparent equivalence provided by the use of a third isolation valve and the need of only two isolation signals to satisfy isolation requirements, the Commission has made a proposed determination that the amendment request does not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety, and therefore proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Attorney for licensee: Troy B. Conner, Jr., 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

NRC Branch Chief: John F. Stolz.

Portland General Electric Company, Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: July 20, 1982.

Description of amendment request: The amendment would revise paragraph 2.A of the operating license to indicate that the facility is now described in the Updated Final Safety Analysis Report (FSAR). At present, this paragraph states that the facility is described in the FSAR, as supplemented and amended by Amendments 1 through 26. With the issuance of a new NRC regulation requiring that FSARs for power reactors be updated annually (10 CFR 50.71(e)), this paragraph is now out-of-date, since the facility is now described by the Updated FSAR.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples which were published in the **Federal Register** onApril 6, 1983 (48 FR 14870). One of the examples of actions not likely to involve a significant hazards consideration is a purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature. Another example of an action not likely to involve a significant hazards consideration is a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

The proposed change is similar to both examples. First, the action would be administrative in nature, since the regulations for making changes to the facility, or its procedures or tests, are not altered in any way by the new requirement to periodically update the FSAR. Thus, the Updated FSAR describes changes to the facility which have either received prior NRC approval, where required, or describes changes which have been made which do not require approval, as permitted by 10 CFR 50.59. The change referencing the Updated FSAR does not result in any revision to the way facility operations are conducted.

Second, the proposed change is similar to the example involving a regulation. Whereas the change is not *required* by a regulation, it was the regulation, and the licensee's compliance with it, that caused para. 2.A of the license to be out-of-date by its submittal of the Updated FSAR.

Since the proposed change is similar to two examples that are considered not likely to involve a significant hazards consideration, the staff proposes to determine that the requested amendment does not involve a significant hazards consideration.

Local Public Document Room location: Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon.

Attorney for licensee: J. W. Durham, Senior Vice President, Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204.

NRC Branch Chief: Robert A. Clark.

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: June 4, 1982 and February 18, 1983.

Description of amendment request: An amendment to the Technical Specifications regarding the licensee's management organization structure. Section 6, Administrative Controls, of the Technical Specifications and Appendix B, Environmental Technical Specifications, contain information and descriptions of the licensee's management organization. The licensee proposes to modify these specifications in the following manner to reflect current licensee organization: (1) Change the name of the Procedures and Performance Department to Quality Assurance and Reliability. The new department assumes all old department functions and, in addition, is responsible for performing audits and appraisals of the security program; (2) revise the title of the Senior Vice President—Nuclear Generation to that of Executive Vice President—Nuclear Generation to indicate the appropriate corporate title commensurate with the authority and responsibilities of the position; (3) correct a title change which was inadvertently not changed in a previously approved Commission action (see Amendment No. 60 to License No. DPR-59); (4) add two newly created positions under the President and Chief Operating Officer. The new positions are: First Executive Vice President and Chief Development Officer and First Executive Vice President and Chief Operations Officer. All corporate financial and administrative responsibilities will be shared amongst the three First Executive Vice Presidents; and (5) revise the position of the Security and Safety Superintendent into two separate positions: Security Supervisor and Safety and Fire Protection Superintendent.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards consideration include: (i) A purely administrative change to the Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature; and (ii) a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. The changes proposed in the applications for amendment are encompassed by this example in that: the licensee has realigned and renamed the Procedures and Performance Department to focus on quality assurance, system reliability, safety security, and to extend the overall evaluative capabilities of the department. The new department assumes all old departmental functions and, in addition, performs audits and appraisals of the security program. This change is considered administrative because the name change is a change in nomenclature. The licensee's proposed revision which it states focuses management control on quality assurance matters and expands its evaluative capabilities is considered an additional management control not presently included in the Technical Specifications; (2) the revision of the title of the Senior Vice President—Nuclear Generation to Executive Vice President—Nuclear Generation is an administrative change only since it is a change in nomenclature with no change in the authorities or responsibilities of the position; (3) the correction of a previously approved title change is administrative since it corrects an error; (4) the addition of two newly created positions under the President and Chief Operating Officer is administrative since it reflects the current licensee organization. Since it also reflects the delegation of corporate financial and administrative responsibilities amongst the now three First Executive Vice Presidents, it also consititutes an additional control not presently include in the specification; and (5) the revision of the position of the Security and Safety Superintendent into two separate positions—Security Supervisor and Safety and Fire Protection Superintendent—is administrative since it is a change in nomenclature. It also constitutes an additional management control not presently included in the specifications since the revision would reduce the span of control for each of the newly created positions. Thus, the proposed changes described above are either administrative changes or constitute additional controls not presently included in the specifications and are thereby similar to the examples cited above.

Therefore, since the applications for amendment involves proposed changes that are similar to examples for which no significant hazards considerations exist, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Attorney for licensee: Mr. Charles M. Pratt, Assistant General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, NY 10019.

NRC Branch Chief: Domenic B. Vassallo.

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: April 29, 1983.

Description of amendment request: The licensee requested Technical Specifications (TS) changes to the incorporate revised radiological effluent and environmental monitoring limiting conditions for operation, action statements, and surveillance requirements. The proposed changes are in response to NRC requests of July 11, 1978 and November 15, 1978. The proposed changes are intended to implement the design objectives and requirements of 10 CFR 50.34(a), 10 CFR 50.36a, 10 CFR 20, 10 CFR 50 Appendix A, General Design Criteria 60 and 64 and 40 CFR 190.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing examples of amendments that are considered not likely to involve significant hazards considerations (48 FR 14870): One such amendment involves a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

The change proposed by the licensee is intended to implement: 10 CFR 50.34(a), which pertains to Design Objectives for equipment to control releases of radioactive materials in effluent from nuclear power reactors; 10 CFR 50.36a, which pertains to technical specifications of effluents from nuclear power reactors; 10 CFR 20, which pertains, in part, to the controlled release of radioactive materials in liquid and gaseous effluents; 10 CFR 50, Appendix A, General Design Criteria 60, which pertains to control of releases of radioactive materials to the environment and 64, which pertains to monitoring radioactivity releases; and 40 CFR 190, which pertains to radiation doses to the

public from operation associated with the entire uranium fuel cycle. This amendment, therefore, reflects changes to make the FitzPatrick license conform to changes in the regulations. Since the licensee is presently obligated by these regulations to control and limit offsite releases of radioactive materials to levels which are as low as is reasonably achievable, this license change will only result in very minor changes to facility operations which are clearly in keeping with the regulations.

Therefore, since the applications for amendment involves proposed changes that are similar to examples for which no significant hazards considerations exist, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Attorney for licensee: Mr. Charles M. Pratt, Assistant General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, NY 10019.

NRC Branch Chief: Domenic B. Vassallo.

Power Authority of the State of New York, Docket No. 50-286, Indian Point Nuclear Generating Plant, Unit No. 3 Buchanan, Westchester County, New York

Dote of amendment request: November 24, 1981.

Description of amendment request: The amendment would revise the testing requirements for hydraulic shock suppressors (snubbers) and add requirements for mechanical snubber operability and testing. The proposed changes were made in response to an NRC request to upgrade the testing requirements for all safety-related snubbers to ensure a higher degree of operability. The changes involve: clarifying the frequency for visual inspections, stating the requirements for functional testing of snubbers which visually appear inoperable, the inclusion of a formula for the selection of representative sample sizes, the clarifying of the testing acceptance criteria, and revising the method of snubber listing to incorporate more information.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples of actions not likely to involve a significant hazards consideration relates to changes that constitute additional limitations or restrictions in the Technical Specifications. The proposed changes revise sections of the Technical Specifications related to hydraulic snubbers to clarify requirements and include additional testing, and incorporate both operability and testing requirements for mechanical snubbers. Since the requested changes upgrade the requirements for hydraulic snubbers and add requirements for mechanical snubbers, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Attorney for Licensee: Charles M. Pratt, Esq. 10 Columbus Circle, New York New York 10019.

NRC Branch Chief: Steven A. Varga.

Power Authority of the State of New York, Docket No. 50-286, Indian Point Nuclear Generating Plant, Unit No. 3, Westchester County, New York

Date of application for amendment: May 3, 1983.

Description of amendment request: Prior to the resumption of power operation in May 1983 the licensee was required to propose improvements in balance of plant secondary water chemistry control. (Amendment No 47 published in the **Federal Register** on June 3, 1983 (48 FR 25030.) The need for extensive repairs to the Indian Point, Unit No. 3, steam generators had been attributed to corrosion fatigue and improvements in chemistry control were deemed necessary to minimize further steam generator degradation.

The proposed steam generator chemistry controls are more restrictive than those used previously and are considered interim in nature. The licensee has committed to inform the NRC of the status of a long term program to improve balance of plant chemistry by January 1984.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to a change that constitutes an additional limitation, restriction, or control not presently included in th Technical Specifications. This license amendment request proposes more limiting chemistry control Technical Specifications than those previously used at Indian Point. This proposed change clearly adds more restrictions and surveillance requirements and matches the guidance quoted. The staff, therefore, propose to determine that the amendment does not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York.

Attorney for Licensee: Charles M. Pratt, Esquire, 10 Columbus Circle, New York, New York 10019.

NRC Branch Chief: Steven A. Varga.

Power Authority of the State of New York, Docket No. 50-286, Indian Point Nuclear Generating Plant, Unit No. 3, Westchester County, New York

Date of application for amendment: June 1, 1983.

Description of amendment request: In November 1980 the NRC Staff developed NUREG-0737, "Clarification of TMI Action Plan Requirements," to provide a comprehensive and integrated plan to improve safety at power reactors. Subsequently, plant modifications were made at Indian Point and the NRC requested that the licensee submit Technical Specifications to ensure the operability and effectiveness of these improvements. By letter dated June 1, 1983, the licensee submitted the applicable license amendment request.

The licensee's submittal proposed Technical Specifications for the following NUREG-0737 items: (1) II.E.4.2.6 "Containment Isolation Dependability," and II.K.3.3., " Reporting Safety Valve and Relief Valve Failures and Challenges." For both of these items the licensee's submittal indicates compliance with NUREG-0737 and, therefore, is considered an improvement in plant safety.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for a no significant hazards determination by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. This proposed change clearly adds more restrictions and surveillance requirements and matches the guidance quoted. The staff, therefore, proposes to determine that the amendment does not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library,

100 Martine Avenue, White Plains, New York 10601

Attorney for licensee: Charles M. Pratt, Esquire, 10 Columbus Circle, New York New, York 10019.

NRC Branch Chief: Steven A. Varga.

Power Authority of the State of New York, Docket No. 50–286, Indian Point Nuclear Generating Plant, Unit No. 3, Westchester County, New York

Date of application for amendment: June 3, 1983.

Description of amendment request: Prior to resuming power operation in May 1983 the licensee was required to install certain fire protection plant modifications. These modifications were interim in nature pending final resolution of permanent modifications as required by 10 CFR 50, Appendix R. Interim alternate power supply modifications were completed prior to plant startup. The licensee's amendment request proposes that appropriate surveillance requirements and limiting conditions of operation be incorporated into the plant's Technical Specifications in order to ensure the operability of modifications during plant operation.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to a change that constitutes an additional limitation, restriction, or control not presently included in the plant's Technical Specifications. The existing Indian Point Technical Specifications indicate the required surveillance, testing and limiting conditions of operation for the Emergency Power System. The licensee's proposed amendment does not modify the existing emergency power supply Technical Specifications. The proposed Technical Specifications relate to the new alternative power supply only and are in addition to the existing Technical Specifications. Therefore, the staff proposes to determine that the application does not involve a significant hazards consideration since it constitutes additional limitations not currently included in the Technical Specifications.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Branch Chief: Steven A. Varga.

Power Authority of the State of New York, Docket No. 50–286, Indian Point Nuclear Generating Plant, Unit No. 3, Westchester County, New York

Date of application for amendment: June 17, 1983.

Description of amendment request: The amendment would change the Radiological Effluent Technical Specifications to assure compliance with Appendix I of 10 CFR Part 50. It provides new Technical Specification sections defining limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring; concentration, dose and treatment of liquid, gaseous and solid wastes; total dose; radiological environmental monitoring that consists of a monitoring program, land use census, and interlaboratory comparison program. This change also incorporates into the Technical Specifications the bases that support the operation and surveillance requirements. In addition, some changes would be made in administrative controls, specifically dealing with the process control program and the offsite dose calculatioin manual.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications.

The Commission, in a revision to Appendix I, 10 CFR Part 50 required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operations as low as is reasonably achievable. In complying with this requirement it became necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This caused the addition of Technical Specifications described above. The staff proposes to determine that the application does not involve a significant hazards consideration since the change constitutes additional restrictions and controls that are not currently included in the Technical Specifications in order to meet the Commission mandated release of "as low as is reasonably achievable."

Local Public Document Room location: White Plains Public Library 100 Martine Avenue, White Plans, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Branch Chief: Steven A. Varga.

Public Service Electric and Gas Company, Docker Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: October 5, 1982.

Description of amendments request: Changes the Technical Specifications for Unit 1 and Unit 2 regarding performance of a Reactor Coolant System Water inventory balance, to be identical to provide consistency between the unit Technical Specifications. The specification will now read: "Performance of a Reactor Coolant System water inventory balance at least once per 72 hours during steady state operation. The provisions of Specification 4.0.4 are not applicable for entry into Mode 4."

The phrase "during steady operation" in the first sentence was added to the Unit 1 specification.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance as to the application of the standards for a no significant hazards consideration determination by providing certain examples (48 FR 14870). The examples of action involving no significant hazards include actions which involve a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications. The changes included in this application add limitations to each of the paragraphs to clarify the intent of the specifications, i.e., a phrase from the Unit 1 specification was added to the Unit 2 specification and a sentence from the Unit 2 specification was added to the Unit 1 specification. Since the proposed changes add limitations to clarify existing requirements, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Salem Free Library, 12 West Broadway, Salem, New Jersey 08079.

Attorney for licensee: Conner and Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

NRC Branch Chief: Steven A. Varga.

Rochester Gas and Electric Corporation, Docket No. 50-244, R. E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: Proposed changes to the Technical Specifications (TS) which would add additional requirements for operability, testing and inspections of all snubbers in use at the plant.

Basis for proposed no significant hazards consideration determination: The amendment would add additional requirements for operability, visual inspections and periodic testing of snubbers to ensure that these devices are operable. Snubbers are attached to piping and equipment to provide restraint during a seismic or other event which initiated dynamic loads, yet allow slow motion such as that produced by thermal expansion. The Commission has provided guidance concerning the application of standards for determining whether license amendments involve no significant hazards considerations by providing certain examples which were published in the **Federal Register** on April 6, 1983 (48 FR 14870). One of the examples of actions involving no significant hazards consideration is a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications, such as a more stringent surveillance requirement.

The amendment request, discussed above, fits this example. On this basis, the Commission's staff proposes to determine that the amendement involves no significant hazards consideration.

Local Public Document Room location: Rochester Public Library, 115 South Avenue, Rochester, New York 14604.

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae, 1333 New Hampshire Avenue, N.W., Suite 1100, Washington, D.C. 20036.

NRC Branch Chief: Dennis M. Crutchfield.

Rochester Gas and Electric Corporation, Docket No. 50-244, R. E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: September 28, 1982.

Description of amendment request: The proposed changes involve reorganization for the plant staff. Over the past 12 years, the functions of Cost Control Coordinator, Administrative Computer Systems Analyst, Technical Computer Systems Analyst, Technical Projects Supervisor, Technical Assistant for Operational Assessment, Fire Protection and Safety Coordinator, and Emergency Planning Group have been added. These functions typically have reported directly to the office of the Plant Superintendent, resulting in approximately 12 organizational sections reporting to the Plant Superintendent/Assistant Superintendent.

The proposed Technical Specification change would approve reorganization in the plant staff into six major functional sections. These functional sections would include an Administrative Section, a Health Physics and Chemistry Section, a Maintenance Section, an Operations Section, a Nuclear Assurance Section and a Technical Section. The composition of the Plant Operations Review Committee, Section 6.5.1.2, would be changes to be consistent with the proposed organizational change. Additionally, at the corporate level, the title of Manager Security would be changed to Director of Security.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards for conclusions regarding no significant hazards considerations by providing examples (49 FR 14870, April 6, 1983). These examples are not applicable to the issues addressed in this application. Our basis for concluding that the standards are met with respect to the no significant hazards considerations is that the changes will increase the efficiency of the organization by reducing the number of functions reporting to the Plant Superintendent thus allowing him to concentrate his efforts on the major plant actions and delegate more routine matters to his immediate subordinates. No functions will be deleted. In addition, the new organization will consolidate complimentary functions under a single functional section. For example, reporting to the Administrative Manager will be the functions of Cost Coordinator, Administrative Computer Systems Analyst, and the function of the Office Supervisor. These support functions will form a cohesive organization assisting in the plant administrative controls implementation.

Reporting to the Nuclear Assurance Manager will be the Operational Assessment Engineer (formerly the Technical Assistant for Operational Assessment), the Quality Control Engineer, and the Fire Protection and Safety Coordinator. Also within this section the function of the Quality Control Inspection Supervisor, reporting to the Quality Control Engineer, will be established to coordinate the inspection activities of quality control on plant and project jobs. The Quality Control Engineer will continue to report to the Superintendent regarding station activities affecting quality and that these activities are in accordance with approved drawings, specifications, and procedures. Since the independence and responsibilities of the Quality Control Engineer and the corresponding reporting relationships remain unaltered, the revised station organization will not diminish or weaken the effectiveness of the Quality Control Organization. This change will consolidate those staff functions concerned with the assurance of implementing the operational, quality and regulatory requirements of the administrative controls into an independent section.

Local Public Document Room location: Rochester Public Library, 115 South Avenue, Rochester, New York 14604.

Attorney for licensee: Harry H. Voigt, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue, NW., Suite 1100, Washington, D.C. 20036.

NRC Branch Chief: Dennis M. Crutchfield.

Southern California Edison Company, Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: October 20, 1978.

Description of amendment request: The proposed amendment would revise the surveillance requirements for the station battery. These revisions would: (1) Reduce the allowable minimum specific gravity of the Pilot Cell from 1.20 to 1.19, (2) reduce the allowable minimum Pilot Cell Voltage from 2.17 volts to 2.05 volts, (3) modify the minimum overall Battery Voltage from 125 volts to 2.17 times the number of battery cells in service, (4) establish a minimum average cell voltage of 2.17 volts under float charge, (5) establish a minimum average cell specific gravity of 1.20, (6) revise the interval for testing the battery chargers from once per refueling shutdown to at least once per 60 months, and (7) modify the minimum current supplied by 125 volt DC Bus No. 2 and MOV 850C uninterruptible power supply battery chargers.

Basis for proposed no significant hazards consideration determination: The licensee's October 20, 1978 application states that operating experience with certain portions of Technical Specification 4.4, Emergency Power System Periodic Testing, has made it apparent that some of the current surveillance requirements are

unnecessarily restrictive and do not contribute to the safe operation of the facility. SCE further stated that the battery manufacturer has concurred with each of the specific requested changes. The licensee also stated that the proposed changes would assure the ability of the battery to meet the criteria for operational functions during the course of a design basic accident while allowing reasonable flexibility for maintenance and surveillance activities. On this basis the staff proposes to determine that these changes involve no significant hazards consideration because the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any previously evaluated; or (3) involve a significant reduction in a margin of safety.

Local Public Document Room location: San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, James Beoletto, Esquire, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770.

NRC Branch Chief: Dennis M. Crutchfield.

Southern Salifornia Edison Company, Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: September 12, 1979 and March 30, 1983.

Description of amendment request: The licensee's proposed amendment dated September 12, 1979 would incorporate radiological effluent technical specifications necessary to implement the requirement of Appendix I to 10 CFR Part 50 into the Appendix A Technical Specifications. The licensee's proposed amendment dated March 30, 1983 woild revise the San Onofre Unit Technical Specifications to incorporate calculational methods that would more accurately establish limits of liquid and gaseous effluents in unrestricted areas than the existing specifications and to provide requirements to sample for iodine and particulate activity to maintain a more accurate account of these types of radioactivity released to the environs, in accordance with 10 CFR Part 20, Appendix B.

Basis for proposed no significant hazards consideration determination: The proposed amendment proposed by letter dated September 12, 1979 would provide new Technical Specification sections defining limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring; dose and treatment of liquid and gaseous wastes; total dose; radiological environmental monitoring that consists of a monitoring program, land use census, and interlaboratory calibration program. This change also incorporates into the Technical Specifications the bases that support the operation and surveillance requirements. In addition changes would be made in administrative controls, specifically dealing with the offsite dose calculational manual. This proposed amendment would also supersede and delete the existing radiological environmental monitoring Technical Specifications from the Appendix B Technical Specifications.

The Commission has provided guidance concerning the application of these standards by providing certain examples (April 6, 1983, 48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards considerations relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications.

With regard to the proposed amendment dated September 12, 1979, the Commission, in a revision to Appendix I, 10 CFR Part 50 required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement it became necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This caused the proposed addition of Technical Specifications described above. The proposed amendment falls within the category of the cited example.

The proposed amendment dated March 30, 1983 would provide new, more accurate calculational methods for establishing liquid and gaseous limits in unrestricted areas and would add requirements to sample for iodine and particulate activity. This proposed amendment also falls within the category of the cited example. Therefore, the staff proposes to determine that the requested actions involve no significant hazards consideration.

Local Public Document Room location: San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92676.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, James Beoletto, Esquire, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770.

NRC Branch Chief: Dennis M. Crutchfield.

Southern California Edison Company, Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: April 4, 1980.

Description of amendment request: The proposed amendment would modify the Technical Specifications to add limiting conditions for operation and surveillance requirements for fire protection features that have been installed in accordance with the NRC's Fire Protection Safety Evaluation Report dated July 19, 1979.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning ther application of standards of no significant hazards consideration determination by providing certain examples (48 FR 14870, April 6, 1983). One of the examples (ii) of actions likely to involve no significant hazards considerations relates to a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement.

The licensee's proposed amendment would add limiting conditions for operation and surveillance requirements not presently included in the Technical Specifications. The proposed amendment, therefore, falls within the category of the cited example and would not involve a significant hazards consideration.

Local Public Document Room location: San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, James Beoletto, Esquire, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770.

NRC Branch Chief: Dennis M. Crutchfield.

Southern California Edison Company, Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: December 1, 1980.

Description of amendment request: This amendment would add limiting conditions for operation and surveillance requirements to the Technical Specifications to provide for redundancy in Decay Heat Removal

Capability in all modes of operation. During startup and power operation, all three reactor coolant loops and their associated steam generators and reactor coolant pumps would be required to be in operation. Specifications regarding Decay Heat Removal Capability for Hot Standby, Hot and Cold Shutdown, and Refueling Modes are also proposed.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards of no significant hazard consideration determination by providing certain examples (48 FR 14870). One of the examples of actions likely to involve no significant hazards consideration relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement. The proposed amendment adds more stringent limiting conditions for operation and surveillance requirements and, therefore, falls within the category of the cited example. On this basis, the staff proposes to determine that the requested action would involve no significant hazards consideration.

Local Public Document Room location: San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, James Beoletto, Esquire, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770.

NRC Branch Chief: Dennis M. Crutchfield.

Southern California Edison Company, Docket No. 50–206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: August 11, 1982 with revisions dated September 13, 1982.

Description of amendment request: The proposed amendment involves two principal sets of changes. The first change would exclude tritium from the definition of $\bar{E}$ used in calculating the specific activity limit of the reactor coolant in accordance with Technical Specification 3.1.1.A.2. Because tritium emits only relatively low energy betas (0.01 86MeV), excluding tritium from the definition of $\bar{E}$ would raise the value of $\bar{E}$ and reduce the allowable limit for maximum specific activity as calculated form $100/\bar{E}$. The second set of changes applies to Table 4.1.2 of the Technical Specifications and would: (1) modify the frequency for performing reactor coolant and secondary coolant gross activity determinations from three times per week at intervals no less than 30 hours, to once every 72 hours, (2) add the operational modes during which the sampling frequencies for reactor coolant and secondary coolant apply, and (3) make administrative changes that would add a footnote referencing the definition of $\bar{E}$, correct the numbering of two existing footnotes, and add the specific activity limit, $100/\bar{E}\mu Ci/gm$, for completeness.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). Three of the examples of action likely to involve no significant hazards consideration are: (i) A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature; (ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications: for example, a more stringent surveillance requirement; (vi) A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method.

The exclusion of tritium from the definition of $\bar{E}$ results in a lower allowable limit for specific activity as calculated from $100/\bar{E}$. Tritium activity will continue to be measured as part of the weekly gross activity determination. Example (ii) above is applicable to this proposed change.

The proposed change regarding the frequency for performing reactor coolant and secondary coolant gross activity determinations from three times per week to once every 72 hours is a slight relaxation of the current Technical Specification requirements; however, the proposed frequency is consistent with the provisions of the Westinghouse Technical Specifications, NUREG–0452, Revision 4. Standard Review Plan Section 16.0 indicates that a proposed Technical Specification is acceptable if it is similar to those developed by the staff as Standard Technical Specifications for plants of a similar design. This proposed change is within all acceptable criteria with regard to sampling frequency and example (vi) above is applicable to this proposed change.

With regard to the addition of operational modes during which the sampling frequencies apply, there is no change with regard to gross activity determination for reactor coolant because all six operational modes are indicated. The proposed changes requiring: (1) Isotopic analysis for Dose Equivalent I–131 concentration for reactor coolant and spectroscopic for $\bar{E}$ determination, both only during Mode 1, and (2) secondary coolant gross activity determination and isotopic analysis for Dose Equivalent I–131 concentration, both only during Modes 1, 2, 3, and 4, are consistent with the provisions of the Westinghouse Standard Technical Specifications, NUREG–0452, Revision 4. This proposed change is within all acceptable criteria and example (vi) above is applicable to this proposed change. The administrative changes are of the type described in example (i), above.

Therefore, the staff proposes to determine that the requested action would involve no significant hazards consideration.

Local Public Document Room location: San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, James Beoletto, Esquire, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770.

NRC Branch Chief: Dennis M. Crutchfield.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of Amendment request: March 15, 1983.

Description of amendment request: The amendments would change the Technical Specification required frequencies for auditing the Physical Security Plan and Site Radiological Emergency Plan to once per twelve months. This change would make the Technical Specifications consistent with 10 CFR 50.54(t).

Basis for proposed no significant hazards consideration determination: The Commission has provided examples of amendments that are considered not likely to involve significant hazards considerations. One example is a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations. The

Commission proposes to determine that the amendment is a change that is not safety related.

Local Public Document Room location: Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37401.

Attorney for licensee: Herbert S. Sanger, Jr., Esq., General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33, Knoxville, Tennessee 37902.

NRC Branch Chief: Elinor G. Adensam.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plants, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: March 15, 1983.

Description of amendment request: The amendments would change the Technical Specifications to delete the cable spreading room from the list of areas that require the low pressure carbon dioxide system to be operable. The primary source of fire protection in the cable spreading room is provided by the preaction sprinkler system. The backup protection is provided by hose stations in the area. The fire protection system, without the carbon dioxide system, meets the requirements of the NRC Standard Review Plan.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples of actions likely to involve no significant hazards consideration relates to a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. Accordingly, the Commission proposed to determine that this change does not involve a significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37401.

Attorney for licensee: Herbert S. Sanger, Jr., Esq., General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33, Knoxville, Tennessee 37902.

NRC Branch Chief: Elinor G. Adensam.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plants, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: March 16, 1983.

Description of amendment request: The amendments would change the Technical Specifications regarding responsibility for issuing the annual management directive outlining control room command. The amendments would relieve the General Manager from the requirement for signing the management directives and assign this responsibility to the Director of the licensee's Division of Nuclear Power.

Basis for proposed no significant hazards consideration determination: This change is considered administrative in nature. The Commission has provided guidance concerning the application of these standards by providing certain examples (45 FR 14870). One of the examples of actions likely to involve no significant hazards consideration relates to purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature. Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37401.

Attorney for licensee: Herbert S. Sanger, Jr., Esq., General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33, Knoxville, Tennessee 37902.

NRC Branch Chief: Elinor G. Adensam.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: June 15, 1983.

Description of amendment request: The amendments would revise the diesel generator surveillance requirement. The proposed surveillance requirements for the diesel generators would reflect the actual as-designed logic that exists for the Sequoyah Units 1 and 2. The present design protects the diesel generator from a sustained overcurrent condition when in parallel with offsite power. It does not have, however, the added feature of returning to a standby status if a safety injection signal occurs while in the test mode (parallel to offsite power). For this reason, the present surveillance tests cannot be fully carried out.

Basis for proposed no significant hazards consideration determination: The proposed amendments involve no significant hazards consideration based on the examples cited in 48 FR 14870. One of the examples relates to a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan.

Local Public Document Room location: Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37401.

Attorney for licensee: Herbert S. Sanger, Jr., Esq., General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33, Knoxville, Tennessee 37902.

NRC Branch Chief: Elinor G. Adensam.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: March 17, 1978.

Description of amendment request: Modification of the Technical Specifications: (1) To require that only one relief valve actuate at the lowest setting called for in the Technical Specifications, this change is to avoid the simultaneous actuation of more than one safety relief valve at a time; (2) to correct the snubber surveillance list by changing several snubber locations and deleting certain snubbers from the "especially difficult to remove" list. The snubbers have been modified to allow easy removal; and (3) to change the format of the trip level settings for low reactor pressure to be consistent with format of other trip level settings in the Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards include actions which involve a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications. The changes included in this application add limitations not presently included in the Technical

Specifications. The proposed change adds words to the Technical Specifications requiring that reactor coolant system relief valves be set to ensure that only one relief valve will actuate at the lowest setting thereby avoiding more than one relief valve actuation simultaneously. The present Technical Specifications allow the relief valves to be set in the above manner, but the proposed Technical Specifications would require it.

The correction of the snubbers surveillance list corrects the description of several snubber locations and deletes several snubbers from the "especially difficult to remove" list, thereby requiring additional testing for those snubbers.

Another example of an action involving no significant hazards considerations is "a purely administrative change to technical specifications; for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature."

The change in the format of the trip level setting for low reactor pressure is a change to achieve consistency and is purely administrative.

Since the proposed changes are purely administrative or add limitations not presently included to the Technical Specifications, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Attorney for licensee: John A. Ritscher, Esquire, Ropes & Gray, 225 Franklin Street, Boston, Massachusetts 02110.

NRC Branch Chief: Domenic B. Vassallo.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: January 30, 1979 as supplemented January 18, 1983.

Description of amendment request: The licensee has requested Technical Specification changes in accordance with 10 CFR 50.55a(g)(5) which requires amendments to Technical Specifications to conform to the updated inservice inspection and testing program for safety class components mandated by Section 50.55a.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the no significant hazards consideration standards by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations relates to a change that constitutes an additional limitation, restriction or control not presently included in the technical specifications. The proposed amendment would incorporate an additional testing requirement in accordance with the Commission's regulations regarding inservice testing programs. In addition, the proposed amendment matches an example of an action involving no significant hazards consideration in that the proposed change will make the license conform to the Commission's regulations. Therefore, the Commission proposes to determine that the amendment does not involve a signficant hazards consideration.

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Attorney for licensee: Mr. John A. Ritscher, Esquire, Ropes & Gray, 225 Franklin Street, Boston, Massachusetts 02110.

NRC Branch Chief: Domenic B. Vassallo.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: February 13, 1979 as supplemented January 24, 1983.

Description of amendment request: The licensee has requested changes to the Radiological Effluent Technical Specifications that bring them into compliance with Appendix I of 10 CFR Part 50. The amendment provides new Technical Specification sections defining limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring; concentration, dose and treatment of liquid, gaseous and solid wastes; total dose; radiological environmental monitoring that consists of a monitoring program, land use census, and interlaboratory comparison program. This change also incorporates into the Technical Specifications the bases that support the operation and surveillance requirements. In addition, some changes were made in administrative controls, specifically dealing with the process control program and the offsite dose calculation manual. The amendment is in accordance with licensee's application for amendment dated February 13, 1979 as supplemented January 24, 1983.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). One of the examples of actions not likely to involve a significant hazards considerations relates to changes that constitute additional restrictions or controls not presently included in the technical specifications.

The Commission, in a revision to Appendix I, 10 CFR Part 50 required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement it became necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This caused the addition of Technical Specifications described above. The staff proposes to determine that the application does not involve a significant hazards consideration since the change constitutes additional restrictions and controls that are not currently included in the Technical Specifications in order to meet the Commission mandated release of "as low as is reasonably achievable."

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Attorney for licensee: Mr. John A. Ritscher, Esquire, Ropes & Gray, 225 Franklin Street, Boston, Massachusetts 02110.

NRC Branch Chief: Domenic B. Vassallo.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: December 29, 1981.

Description of amendment request: This amendment would add Technical Specifications requiring calibration, functional tests, and instrument checks at specified frequencies for the noble gas effluent monitor and requiring reactor shutdown if the noble gas effluent monitor cannot be returned to service within 30 days. The proposed change was submitted in response to a staff request to propose Technical Specifications pertaining to the high range noble gas effluent monitor required to be installed by Item II.F.1 of NUREG–0737, Clarification of TMI Action Plan Requirements.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance

concerning the application of these standards by providing certain examples (48 FR 14870). An example of a change involving no significant hazards consideration is "a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications; for example a more stringent surveillance requirement." The changes included in this application add limitations requiring stack noble gas monitor operability and requiring stack noble gas effluent monitor surveillance. Since the proposed changes add limitations not presently included in the Technical Specifications, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Attorney for licensee: John A. Ritscher, Esquire, Ropes & Gray, 225 Franklin Street, Boston, Massachusetts 02110.

NRC Branch Chief: Domenic B. Vassallo.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Windham County, Vermont

Date of amendment request: May 20, 1983.

Description of amendment request: Modification of the Technical Specifications to delete some snubbers and add other snubbers to the snubber surveillance list. The snubbers were removed or added from the list as a result of modifications required by the Mark I containment program which has been approved by the Commission.

Basis for proposed no significant hazards consideration determination: The proposed change to the Technical Specifications would delete certain snubbers and add other snubbers to the list of snubbers requiring routine surveillance. These snubbers were removed and added from the list as a result of the deletion and addition of snubbers during modifications required by the Mark I containment program. Seismic and hydrodynamic analysis for the modified system configuration allowed removal of those snubbers that were removed and required addition of those snubbers that were added.

Since this change is being made to correct the Technical Specifications to reflect current system configuration, it will not result in any significant effect on any analyzed accident or postulated accident in the updated Final Safety Analysis Report. Additionally, since the snubbers which were deleted from the surveillance list were no longer needed or installed and the snubbers which were added were required under the Commission approved Mark I containment program, no significant reduction in a margin of safety would result from this change. For the same reasons this change would not involve a significant increase in the probability or consequences of an accident or create the possibility of a new or different kind of accident. Therefore, the staff proposes to determine that the amendment request does not involve a significant hazards consideration.

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Attorney for licensee: Mr. John A. Ritscher, Esquire, Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02110.

NRC Branch Chief: Domenic B. Vassallo.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: May 26, 1983.

Description of amendment request: The licensee has requested that the requirement for an annual conduct of an exercise of the emergency plan be deleted from the Technical Specifications because the requirement is redundant with the requirements of 10 CFR 50, Appendix E.

The licensee has proposed this change in order to eliminate the need to seek NRC approval for one-time changes to the Technical Specifications regarding the schedule for annual emergency drills and to negate the potential for conflict between the requirements of 10 CFR and the provisions of the specifications. The licensee will remain obligated by the regulation to conduct annual drills.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for conclusions regarding "significant hazards considerations" (48 FR 14870). The examples of actions involving no significant hazards include actions which are purely administrative changes to the Technical Specifications. By letter dated December 16, 1982 the licensee requested one-time relief from the 10 CFR 50 Appendix E and Technical Specification requirements for the annual conduct of an exercise of the emergency plan. On March 1, 1983 an exemption was given granting relief from the 10 CFR Appendix E requirement. On May 26, 1983 the licensee proposed deletion of the requirement for an annual exercise from the Technical Specifications to remove the potential for conflict between the requirements of 10 CFR 50 Appendix E and the Technical Specifications. The requirements of 10 CFR 50 Appendix E will remain in effect, so the requirements of the Technical Specifications are redundant to 10 CFR Appendix E, and removal of a redundant requirement is purely administrative.

Because this change is purely administrative, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Attorney for licensee: John A. Ritscher, Esquire, Ropes and Gray, 225 Franklin Street, Boston, Massachusetts 02110.

NRC Branch Chief: Domenic B. Vassallo.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: May 26, 1983.

Description of amendment request: The amendment would make changes to the Technical Specifications to accommodate shifts in transition temperature for the reactor pressure vessel materials that were induced by radiation damage. These shifts are accounted for by revision of the plant pressure-temperature limits for heating up and cooling down the reactor vessel. Periodic review and adjustment, if necessary, of the curves to account for the effects of irradiation are required by 10 CFR 50, Appendices G & H.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards consideration include: "A change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations."

The changes to the pressure-temperature limits are similar to the example above because the regulations in 10 CFR 50, Appendices G & H require updating of pressure-temperature limits based on the surveillance program. The proposed license change would result in

very minor changes to the facility operations clearly in keeping with the regulations. On this basis, the staff proposes to determine that the amendment request does not involve a significant hazards consideration.

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Attorney for licensee: Mr. John A. Ritscher, Esquire, Ropes & Gray, 225 Franklin Street, Boston, Massachusetts 02110.

NRC Branch Chief: Domenici B. Vassallo.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station Units No. 1 and No. 2, Louisa County, Virginia

Date of amendment request: December 30, 1982; supplemented April 25, 1983; July 6, 1983 and July 11, 1983.

Description of amendment request: The requested amendment would implement Phase II of a plant Upgrade Program which would increase steam pressure to maximize the electrical output at the currently licensed reactor thermal rating of 2775 Megawatts thermal (MWT). The request would revise the Technical Specifications (TS) to allow operation with a Reactor Coolant System (RCS) Average Temperature (T_{AV}) of 587.8 degrees Fahrenheit (°F) as opposed to the currently approved RCS T_{AV} of 582.8°F. In addition to increasing the RCS T_{AV} by 5°F, the net reactor coolant pump heat input has been determined to be 12 MWT instead of 10 MWT, and this 2 MWT increase changes the currently approved Nuclear Steam Supply System (NSSS) rating from 2785 MWT to 2787 MWT. As stated above, the currently licensed reactor thermal rating of 2775 MWT remains unchanged. This 5°F increase in the RCS T_{AV} would provide an increase in the secondary side steam pressure of 32 pounds per square inch (psi) resulting in a higher secondary cycle thermal efficiency and approximately a 3 MW electrical increase in output.

Basis for proposed no significant hazards consideration determination: One of the Commission's exmples (48 FR 14870) involving no significant hazards relates to a requested change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: for example, a change resulting from the application of a small refinement of a previously used calculation model or design method. This example is applicable to this amendment request.

The licensee's proposed change does not require any hardware modifications to the NSSS. However, to implement the proposed changes, the licensee has submitted accident analyses of the NSS systems and components to verify that the proposed change is in conformance with the regulatory codes, standards and design criteria which were in effect at the time the North Anna Power Station, Units No. 1 and No. 2 (NA–1&2) received full-power operating licensees.

The safety evaluation supporting the license's proposed changes included the scope of the NSSS Accident Analyses and other accident analyses specified in chapter 15 of the Final Safety Analysis Report (FSAR) for NA–1&2. The safety evaluation also addressed the Balance of Plant (BOP) and the NSSS/BOP Interfaces as well as the Turbine Generator System. It is specifically noted that a reanalysis of the Emergency Core Cooling System (ECCS) performance and the Loss-of-Coolant (LOCA)—ECCS analysis was made to verify that the proposed changes and the analytical tehniques used were in full compliance with 10 CFR 50, Appendix K. The results of the licensee's safety evaluation supporting the change in the RCS T_{AV} from 582.8 to 587.8°F and the 2°F increase in the reactor coolant pump heat input and NSSS thermal rating indicate that these changes can be accommodated with margin to already approved FSAR safety limits and that the results of the change are clearly within the Commission's Standards and design criteria previously reviewed and approved for NA–1&2.

Therefore, based on the above, the Commission proposes to determine that the amendment involves no significant hazards consideration.

Local Public Document Room locations: Board of Supervisors Office, Louisa County Courthouse, Louisa Virginia 23093 and the Alderman Library, Manuscripts Department, University of Virginia, Charlottsville, Virginia 22901.

Attorney for licensee: Michael W. Maupin, Esq; Hunton, Williams, Gay and Gisbon, P.O. Box 1535, Richmond, Virginia 23212.

NRC Branch Chief Robert A. Clark.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of application for amendment: March 16, 1982; supplemented June 24, 1982 and July 1, 1983.

Description of amendment request: The proposed changes to the Technical Specifications (TS) reflect the reorganization within the Nuclear Operations Department, Quality Assurance department, Emergency Planning, and security Department. In addition the proposed changes add the requirement to retain records for at least five years when the Station Emergency Plan and Station Security and implementing procedures are annually audited.

At present, the corporate organizational stucture specified in the TS indicates that the Nuclear Station Manager reports to the Manager-Nuclear Operations and Maintenance, who in turn reports to the Vice President-Nuclear Operations. As a result of the proposed revisions, the Vice President-Nuclear Operations will have responsibility for the supervision of the Nuclear Station Managers in the operation and maintenance fo the company's operational nuclear units.

The proposed changes delete the position of Manager-Nuclear Operations and Maintenance and renames the Manager, Nuclear Technical Services, to the Manager, Nuclear Operations Support. The Manager, Nuclear Operations Support, will carry out his old responsibilities plus the responsibilities of the Manager-Nuclear Operations and Maintenance. The new responsibilities that transfer to the Manager, Nuclear Operations Support, are Emergency Planning, Training, and Operations and Maintenance Support. In addition the Director, Administrative Services, will report directly to the Vice President-Nuclear Operations. These proposed changes maintain and enhance the direct communications between the Vice President-Nuclear Operations and the Nuclear Power Station Managers.

The proposed changes also reflect reorganizational changes in the Quality Assurance Program. The title of Nuclear Power Station Resident Quality Control Engineer is being changed to Nuclear Power Station Manager, Quality Assurance, who will report to the Executive Manager, Quality Assurance. The appointment of a Nuclear Power Station Manager, Quality Assurance, who reports directly to the Executive Manager, Quality Assurance, will provide added attention to plant quality assurance and enhance quality assurance for plant operations and direct liaison with the corporate quality assurance staff.

Also, the proposed changes reflect the addition of the Director-Emergency Planning to the Nuclear Operations Department. The Director-Emergency

Planning will report to the Manager, Nuclear Operations Support, which will aid the Nuclear Operations Department in planning for any emergency situation at the station nuclear units and thus enhance safe operation of the nuclear power station.

The proposed change also reflects a change in the present title of the Executive Vice President-Power to Executive Vice President and Chief Operating Officer.

Other changes proposed would specify that the Senior Vice President-Power Operations would sign the management directive on Shift Supervisors' responsibilities and issue the directive to all station personnel on an annual basis. Previously and as presently specified in the TS, the signing of this management directive on Shift Supervisors has been the responsibility of the Executive Vice President-Power. Thus, the proposed change would provide higher corporate responsibility in preparing the annual directive for the responsibilities of the Control Room command function of the Shift Supervisors. Another change proposed would have the Station Security Supervisor reporting directly to the Director, Nuclear Security, at the corporate office.

Finally, the proposed changes would add TS 6.10.1.i and 6.10.1.j to Specification 6.10 to conform to 10 CFR 50.54(t) and 10 CFR 73.46g(6), respectively, which stipulate the retention of records at least five years when the Station Emergency Plan and Station Security Plan, respectively, are audited on an annual basis.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples which were published in the **Federal Register** on April 6, 1983 (48 FR 14870). Examples of actions not likely to involve significant hazard consideration include actions specified as (i) purely administrative changes to the Technical Specifications, and (ii) changes that constitute an additional limitation, restriction, or control not presently included in the Technical Specifications.

The changes proposed in the application for amendment fall within the scope of these examples. The proposed changes in the corporate structure are administrative in nature and fall within the scope of example (i). It is noted that these proposed changes will not compromise any loss of high level management of nuclear safety. Rather, the proposed changes enhance managerial attention of safety activities of the nuclear units since the plant managers now report directly to a Vice-President. Also, the appointment of a Nuclear Power Station Manager, Quality Assurance, and a Director-Emergency Planning to the Nuclear Operations Department provide increased visible attention to these functions. In addition, the proposed changes assign greater corporate responsibility and attention in the preparation of the directive defining the Control Room command function of the Shift Supervisors.

Finally, the proposed changes requiring that records be retained for at least five years with respect to Emergency Planning and Station Security falls within the scope of example (ii) since this record retention is specified in 10 CFR 50.54(t) and 10 CFR 73.46g(6), and thus imposes an additional restriction or control. Accordingly, the Commission proposes to determine that these changes involve no significant hazards consideration.

Local Public Document Room locations: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093 and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Attorney for licensee: Michael W. Maupin Esq., Hunton, Williams, Gay and Gibson, P.O. Box 535, Richmond, Virginia 23212.

NRC Branch Chief: Robert A. Clark.

Virginia Electric and Power Company, Dockets Nos. 50–280 and 50–281, Surry Power Station, Units 1 and 2, Surry County, Virginia.

Date of amendment request: February 14, 1979, as supplemented September 21, 1982.

Description of amendment request: The amendment revises Technical Specifications 4.0, 4.1, 4.2, 4.3, 4.5, 4.7, 4.8, and 4.11 to add Surveillance Requirements to ensure that inservice testing of ASME Code Class 1, 2 and 3 pumps and valves and inservice inspection of ASME Code Class 1, 2 and 3 components will be performed in accordance with a periodically updated version of Section XI of the ASME Boiler and pressure Vessel Code and Addenda.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing examples (48 FR 14870). One of these examples relates to changes that constitute an additional limitation restriction, or control, The licensee has submitted a revised pump and valve Inservice Testing Program for Units 1 and 2. The Technical Specification changes are requested to ensure the revised Program is in accordance with the applicable ASME Code and Addenda as required by 10 CFR 50.55, "Codes and Standards". Since the proposed changes add requirements to ensure compliance with the regulations, these changes fall within example (ii) of actions not likely to involve significant hazards considerations and, on this basis, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Mr. Michael Maupin, Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

NRC Branch Chief: Steven A. Varga.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Units Nos. 1 and 2, Surry County, Virginia

Date of amendment request: September 21, 1981 as supplemented April 13, 1982 and June 14, 1983.

Description of amendment request: These amendments propose to revise Technical Specifications 3.21 and 4.18 to reflect added fire protection systems. These changes add additional components and systems with limiting conditions for operation and surveillance requirements.

These changes represent upgrading and installation of new fire protection systems required by the Fire Protection Safety Evaluation Report dated September 19, 1979.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards include actions which involve a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications. These changes fall into that category since additional limiting conditions for operation and surveillance requirements are proposed. Therefore, the staff proposes to determine that these amendments involve no significant hazards consideration.

Local Public Document room location: Swem Library, College of William and Mary, Wiliamsburg, Virgina 23185.

Attorney for licensee: Mr. Michael Maupin, Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23123.

NRC Branch Chief: Steven a Varga.

Virginia Electric and Power Company, Dockets Nos. 50–280 and 50–281, Surry Power Station, Units Nos. 1 and 2, Surry County, Virginia

Date of amendment request: January 10, 1983.

Description of amendment request: The proposed Technical Specification change for Surry Units 1 and 2 revises Tables 3.8–1 and 3.8–2 to add limiting conditions for operation and correct errors for containment isolation valves.

Two air-operated Phase I trip valves were installed on the Post-Accident Sample System return lines. These valves will reduce radiation levels outside containment should post-accident samples be required to be withdrawn from the reactor coolant system and containment sump. These modifications are required to meet the provisions of NUREG–0737, II.B.3, Post-Accident Sampling.

Manual isolation valves in the hydrogen analyzer system were replaced with ten (10) remote-manual valves (GW series valves) to upgrade the system. The remote-manual valves replaced manual valves located in high radiation areas which are inaccessible in post-accident conditions. The remote-manual valves will reduce personnel exposure following an accident.

One air operated trip valve was replaced with two direct acting solenoid valves in the Residual Heat Removal Sample line providing double isolation to increase assurance of reliable operation during accident conditions. The valves will be normally closed and receive a Phase I signal to ensure they are tripped closed on a safety injection signal. These modifications are required to meet the provisions of NUREG–0737, II.B.3, Post-Accident Sampling.

New instrumentation replaced the servomanometer and valves in the leakage monitoring detection system used in Type "A" testing. The servomanometer and two air operated trip valves, no longer needed, were removed and the lines were capped to prevent leakage through these lines.

This change also proposes to correct certain typographical errors and administrative errors such as wrong valve numbers.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards consideration include actions which involve a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications and actions which are administrative in nature; for example, correction of errors. The proposed changes fall into these categories except for the case where trip valves were removed. In this case, new instrumentation compensated for the removal of the valves. Based on the above, the staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Mr. Michael Maupin, Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

NRC Branch Chief: Steven A. Varga.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia.

Date of amendment request: June 16, 1983.

Description of amendment request: The amendments would add additional Accident Monitoring Instrumentation and Reactor Vessel Head Vents in accordance with the requirements of NUREG–0737, Item II.F.1 and II.B.1, respectively. The Accident Monitoring Instrumentation Items added are: Noble Gas Effluent Monitors—II.F.1.1, Containment High Range Radiation Monitors—II.F.1.3, Containment Pressure Monitors—II.F.1.4, Containment Water Level Monitors—II.F.1.5, Containment Hydrogen Monitors—II.F.1.6, and Reactor Vessel Head Vent—II.B.1. A description of each follows:

Noble gas effluent monitors with an upper range capacity of 10^5 uCi/cc (Xe-133) have been installed. The monitors have the capability to detect and measure concentrations of noble gas fission products in plant gaseous effluents during and following an accident. The monitors have a digital readout in the control room to provide the operator and emergency planning agencies with information on plant releases of noble gases during and following an accident.

Containment High-Range Radiation Monitors, with a maximum range of 10^7 R/hr have been installed. The monitors provide the capability to detect and measure the radiation level within the reactor containment during and following an accident. The two high-range monitors are placed in separate areas of the containment to provide independent measurements and will "view" a large fraction of containment volume.

Containment Pressure Monitors that provide a continuous indiction in the control room of containment pressure have been installed. Measurement and indication capability ranges from three times the design pressure of the containment to 5 psia.

Containment Water Level Monitors that provide continuous indication of containment water level have been installed and the monitors have a readout in the control room. A narrow range monitor is installed to cover the range of water from the bottom to the top of the containment sump. The wide range monitor is installed to cover the range of water from the bottom of the containment to the equivalent to a 600,000 gallon capacity. Containment Hydrogen Monitors that provide indication of hydrogen concentration in the containment atmosphere have been installed and indication is provided in the control room. Measurement capability is provided over the range of 0 to 10% hydrogen concentration under both positive and negative ambient pressure.

NUREG–0737, Item II.B.1, required the installation of the Reactor Vessel Head Vent (RVHV) whose function is to remove non-condensible gases from the reactor vessel head. The Reactor Vessel Head Vent is designed with redundant safety grade vent paths.

The Reactor Vessel Head Vent System will extend the reactor coolant pressure boundary to and including the ⅜ in. orifices in the Reactor Vessel Head Vent. The system is designed, fabricated, and installed in accordance with the requirements of FSAR Section 5, and all applicable codes, as part of the Reactor Coolant System.

These amendment would change Technical Specifications 3.1, 3.7 and 4.1 to incorporate limiting conditions for operation and surveillance requirements for the instrumentation discussed.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards include actions which involve a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications. The changes requested fall in this category.

The addition of additional Accident Monitoring Instrumentation (NUREG–0737, II.F.1) increases the overall plant margin of safety by providing

monitoring of potential radioactive release paths and provides a means to monitor hydrogen buildup in containment, radiation levels in containment, and containment pressure and water levels. In no case is the information provided by these monitoring systems used to initiate automatic activation of any plant safety systems.

Loss of reactor coolant resulting from vent failure is categorized as being a loss of coolant accident which is fully bounded by previous evaluations, while a failure downstream of the ⅜ in. orifices is within the capacity of the normal reactor coolant makeup system. System design provides for manual initiation or termination of venting effective with the single failure criteria.

Since these changes incorporate present NRC staff positions and are additional requirements, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Mr. Michael Maupin, Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

NRC Branch Chief: Steven A. Varga.

Wisconsin Electric Power Company, Docket Nos. 50–266 and 50–301, Point Beach Units 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: June 4, 1976 as modified January 28, 1980.

Description of amendment: The amendments would permit operation after approval of changes to the plant's Technical Specifications (TS) that bring them into compliance with Appendix I, 10 CFR 50, and 10 CFR 50.36a and 50.34a. These proposed T.S. are intended to ensure that releases of radioactive material to unrestricted areas during normal operation remain as low as is reasonably achievable. Specifically, the proposed T.S. define limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring. Additional environmental sampling locations have been added to the present sampling locations. Additional managerial review responsibilities and reporting requirements have been added relating to radioactive releases. A site plan figure depicting the site exclusion area boundary has been added and the definition of channel check has been changed to more closely follow the recommended definition contained in NUREG–0472, "Radiological Effluent Technical Specifications for PWRs."

Basis for proposed no significant hazards consideration determination. The Commission has provided guidance concerning the application of the standards by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards considerations relates to additional limitations, restrictions or control not presently included in the technical specifications (ii). In the case of the proposed technical specifications, they constitute an additional requirement for monitoring and control of radioactive effluents not presently in the technical specifications and are intended to meet the intent of the Commission's regulations (10 CFR 50 Appendix I, 10 CFR 50.34a, and 10 CFR 50.36a) and related staff guidance (NUREG–0472). Therefore, the staff proposes to determine that the amendments do not involve a significant hazards consideration.

Local Public Document Room location: Joseph P. Mann Public Library, 1515 16th Street, Two Rivers, Wisconsin.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W. Washington, D.C. 20036.

NRC Branch Chief: Robert A. Clark.

Wisconsin Electric Power Company, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Power Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: April 19, 1983.

Description of amendment request: Request for modification of licenses DPR–24 and DPR–27 Technical Specifications for fire protection provisions as listed below. The proposed changes 1–6 reflect upgrading and improvements in the fire protection system, condense and clarify the meaning of certain technical specifications, and make editorial changes. Proposed changes 7 and 8 are relaxations to current Technical Specification requirements.

(1) Where a technical specification stated that a component should be "operable at rated capacity," this has been reworded to state that the component shall be "operable." Operable as defined in the technical specifications includes performance of function as defined in the Final Safety Analysis Report (FSAR). The FSAR describes the component function and rated capacity.

(2) "Once per day" has been changed to "once every 24 hours" regarding demonstration of component operability.

(3) New tables have been provided to identify existing hose stations and additional water sprinkling systems.

(4) New limiting conditions for operation and surveillance requirements have been added for new automatic suppression systems and fire detection systems.

(5) The surveillance requirements for the water sprinkler system have been revised to reflect the requirements of a wet pipe rather than dry pipe system.

(6) Test frequencies for fire hose station hydrostatic tests and fire detection tests have been modified to be consistent with the National Fire Protection Association (NFPA) codes.

(7) The time period to achieve cold shutdown with an inoperable fire pump has been relaxed from 30 hours to 48 hours of the time required to reach hot shutdown.

(8) The requirement for establishing fire watch inspection has been relaxed to twice per shift when certain fire protection systems are inoperable.

By letter dated July 26, 1983, the NRC informed the licensee that of requested items 7 and 8 above were being denied, therefore while listed for continuity they are not covered by the staff's proposed finding of no significant hazards.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples. Some of the examples of actions involving no significant hazards considerations relate to a purely administrative change to technical specifications (i), a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications (ii), and a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (vi). Proposed Changes 1, 2, 3, and 5 above match example (i) as purely administrative changes. Proposed Change 4 matches example (ii) as an additional restriction not presently in the technical specifications, corresponding to limiting conditions of operation and surveillance requirements for new system upgrades. Proposed change 6 matches example (vi) as a relaxation of an existing requirement that is within the acceptable criteria, that being the NFPA code requirements. For the above reasons the staff proposes

to determine that the amendments do not involve a significant hazards consideration.

Local Public Document Room location: Joseph P. Mann Public Library, 1516 16th Street, Two Rivers, Wisconsin.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Robert A. Clark.

Wisconsin Electric Power Company, Docket No. 50–266, Point Beach Nuclear Plant Unit No. 1, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: July 5, 1983.

Description of amendment request: Changes to the Technical Specifications (TS) to allow Point Beach Unit 1, currently restricted to operation at 2000 psia, to operate at either 2000 psia or 2250 psia following steam generator replacement. This flexibility of operation is currently allowed for Unit 2 by amendment dated April 29, 1980. The specific changes to the TS necessary to permit operation in the proposed manner are (1) defining the overtemperature delta T reactor trip equation for each operation condition; (2) defining a low pressure reactor trip for each operation condition to allow adequate operating margin; (3) defining an operational reactor pressure limit for each operating condition; and (4) defining system leak testing pressure for each operating condition.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards consideration relates to relief granted from an operating restriction that was imposed because construction was not complete, when that construction has been completed satisfactorily (v). Restriction of operation of Point Beach Unit 1 from 2250 psia to 2000 psia was imposed by the Commission's Confirmatory Order of November 30, 1979 as modified January 3, 1980. The Safety Evaluation approving operation at 2000 psia was appended to that January 3, 1980 modification to the original Order. The restriction was imposed to reduce differential pressure across the steam generator tubes and was required by the NRC to provide continued assurance that the health and safety of the public would not be endangered by operation of Point Beach Unit 1. The degraded condition of the steam generator tubes was the basis for Commission's imposition of this Order. Wisconsin Electric Power Company plans to replace the Point Beach Unit 1 steam generators during the fall 1983 refueling outage. As stated in the NRC staff's Safety Evaluation of July 15, 1983, the new steam generators will have structural integrity at least equal to the original condition of the existing steam generators which were designed for operation at 2250 psia. Following completion of the steam generator replacement, the restriction to operation at 2000 psia will no longer be necessary. Therefore, the requested amendment matches the Commission's example (v) of actions involving no significant hazards consideration and the NRC staff, therefore proposes to determine that the requested amendment involves no significant hazards consideration.

Local Public Document Room location: Joseph P. Mann Library, 1516 16th Street, Two Rivers, Wisconsin.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Robert A. Clark.

Wisconsin Public Service Corporation, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: December 20, 1982.

Description of amendment request: The proposed amendment consists of Technical Specification changes to 24 pages. These changes are mostly administrative in nature, that is, they consist of word changes or clarifications which are made without technical or safety implication. Four of the page changes do involve some technical detail; the radwaste tank limit is revised to provide consistency with other specifications regarding liquid effluent limits, the fire hose hydrostatic test is changed from 200 psig to 250 psig to conform to 10 CFR 50 Appendix R, the allowable reactivity insertion is changed in a non conservative direction but within the limits of the FSAR analysis, and the containment purge limit has been subsequently negated by a commitment by the licensee to close the valve. The five pages related to the reactor coolant system leakage limit, and the condensate storage tank water level have been completed in Amendment 49 issued on April 29, 1983. (Pages 3.1–11, 3.1–13, 3.4–1,3.4–2, and 4.8–1.)

Basis for proposed no significant hazards consideration determination: A preliminary review of the proposed amendment indicated that most of the changes remaining to be acted on are administrative in nature. The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). The administrative pages fit within the scope of no significant hazards consideration example i, that is, a change which is purely administrative for example, a change to achieve consistency throughout the Technical Specifications, correction of an error or a change in nomenclature. Those that do involve technical or safety implications are as follows: (1) The radwaste limit (p. 3.9–3) is reworded to provide consistency with other specifications regarding liquid effluent limits and to be consistent with the Standard Radiological Effluent Technical Specifications. This is outside the scope of significant hazards example vi, that is, it is not a change to Technical Specifications or other NRC approval involving a significant unreviewed safety question and it is within the scope of no significant hazards example i, in that it is a change to provide consistency throughout the Technical Specifications; (2) The fire hose hydrostatic test (p. 4.15–3) is raised from 200 psig to 250 psig in accord with Appendix R to 10 CFR 50. This is within the scope of no significant hazards example vii, since it is a change to make the licensee conform to changes in the regulations, when the license change results in very minor changes to facility operations clearly in keeping with the regulations; (3) The reactivity insertion limit (p. 6–17) is changed in a less conservative direction but within the limit of the FSAR analysis. This is similar to no significant hazards example vi, in that it is a change which may reduce in some way a safety margin but where the results of the change are clearly within all acceptable criteria with regard to the system or component as specified in the approved FSAR. The request for the containment purge limit (p. 6–27) has been negated by a commitment (March 8, 1983 letter) by the licensee to keep the containment purge valves closed.

Local Public Document Room location: Kewaunee Public Library, 822 Juneau Street, Kewaunee, Wisconsin 54216.

Attorney for licensee: Foley and Lardner, First Wisconsin Center, 777 E Wisconsin Avenue, Milwaukee, Wisconsin 53202.

NRC Branch Chief: Steven A. Varga.

PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this regular monthly notice. They are repeated here because the monthly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: May 3, 1983, supplemented June 14, 1983.

Description of amendment request: The amendment would change the Technical Specifications to revise the limiting conditions for operation for the reactor cavity level monitoring instrumentation. Specifically, the amendment would permit power operation with any two of the three presently installed reactor cavity level monitoring devices operable. Currently, the Technical Specifications require that the reactor cavity continuous level monitor and one of the two installed independent level alarms be operable prior to bringing the reactor above cold shutdown.

Date of publication individual notice in "Federal Register": July 28, 1983, 48 FR 34368.

Expiration date of individual notice: August 29, 1983.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix County, Michigan

Date of amendment request: December 20, 1982.

Description: The proposed amendment would approve changes to the Administrative Controls Section of the Technical Specifications involving the areas of guidelines for working hours and an auxiliary operator being added to the minimum shift crew.

Date of Publication of individual notice in **Federal Register:** July 25, 1983 48 FR 33779.

Expiration date of individual notice: August 24, 1983.

Local Public Document Room location: Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix County, Michigan

Date of amendment request: July 20, 1982, as revised September 16, 1982 and November 12, 1982.

Description: The proposed amendment would reflect the institution of the new "Nuclear Activities Plant Organization (NAPO)."

Date of Publication of individual notice in **Federal Register:** July 28, 1983 (48 FR 34369).

Expiration date of individual notice: August 29, 1983.

Local Public Document Room location: Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Duke Power Company, Docket No. 50–269, Oconee Nuclear Station, Unit No. 1, Oconee County, South Carolina

Date of amendment request: May 19, 1983.

Brief description of amendment: The amendment relates to the Cycle 8 reload and involves numerical changes to the core protection safety limits, the protective system maximum allowable setpoints, and the road position limits. These limits take into account the incorporation of: (1) four Mark BZ demonstration fuel assembles for a second cycle of irradiation; and (2) five gadolinia lead test assemblies as part of the batch of fresh fuel used in the reload.

Date of Publication of individual notice: August 1, 1983.

Local Public Document Room Location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of amendment request: January 14, 1983, as supplemented January 20, July 6, and July 14, 1983.

Brief description of amendment: The proposed amendment would change the Crystal River Unit 3 Technical Specifications to increase the time interval between certain functional tests of engineered safeguards logic circuits on an interim basis until appropriate control circuit modifications can be made at Crystal River Unit 3. Specifically, the frequency of the channel functional test of the manual actuation portion of the engineered safeguards system would be changed from monthly to once each 18 months during plant shutdown. In addition, the scope of channel functional testing of several automatic actuation logic circuits would be revised to prevent undesirable operation of certain components during plant power operation. Alternate tests of these circuits would be specified which would accomplish the intended purpose of the testing but would result in eliminating undesirable consequences of performing the testing.

Date of publication of individual notice in **Federal Register.** July 25, 1983, 48 FR 33782.

Expiration date of individual notice: August 24, 1983.

Local Public Document Room location: Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida.

General Public Utilities Nuclear Corporation, Docket No. 50–320, Three Mile Island Unit 2, Londonderry Township Dauphin County

Date of amendment request: May 27, 1983.

Description of amendment request: The amendment would delete Section 2.E(3) of the facilities operating license in accordance with the licensee's application for amendment dated May 27, 1983. This deletion would remove the requirement to maintain reserve water tankage at TMI–2.

Date of publication of individual notice in **Federal Register:** July 18, 1983; 48 FR 32707.

Expiration date of individual notice: August 17, 1983.

local Public Document Room Location: State Library of Pennsylvania, Harrisburg, PA 17126.

Metropolitan Edison Company, Jersey Central Power & Light Company, Pennsylvania Electric Company, and GPU Nuclear Corporation, Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: June 8, 1981.

Brief description of amendment: The amendment would modify the Technical Specification applicable to operability requirements and inservice surveillance of safety-related hydraulic snubbers (shock suppressors). The changes would clarify the wording of certain of the

specification provisions, and add requirements for (1) certain engineering evaluations in the event a snubber is found to be inoperable, (2) snubber operability when the plant is in cold shutdown or refueling, (3) visual inspection acceptance criteria, (4) functional testing and acceptance criteria, and (5) record keeping.

Date of publication of individual notice in **Federal Register**: July 21, 1983, 48 FR 33383.

Expiration date of individual notice: August 22, 1983.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Metropolitan Edison Company, Jersey Central Power & Light Company, Pennsylvania Electric Company, and GPU Nuclear Corporation, Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: January 26, 1982.

Brief description of amendment: The amendment would add to the Technical Specifications limiting conditions of operation and surveillance requirements for a Hydrogen Recombiner System, in accordance with the NRC staff's recommended requirements for restart of Three Mile Island Nuclear Station, Unit No. 1.

Date of publication of individual notice in **Federal Register**: July 21, 1983, 48 FR 33379.

Expiration date of individual notice: August 22, 1983.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Metropolitan Edison Company, Jersey Central Power & Light Company, Pennsylvania Electric Company, and GPU Nuclear Corporation, Docket No. 50-289, Three Mile Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: January 21, 1983.

Brief description of amendment: The amendment would permit increasing by 50 psig, the Reactor Coolant System pressure at or below which the High Pressure Injection (from 1725 psig to 1775 psig), Low Pressure Injection (from 875 psig to 925 psig), and Reactor Building isolation (from 1725 psig to 1775 psig) actuation signals may be bypassed during plant cooldown and depressurization. The setpoints for actuation of these systems during operation and the Reactor Coolant System pressure above which the bypass is automatically removed (when system pressure is increasing) remain unchanged.

Date of publication of individual notice in **Federal Register**: July 21, 1983, 48 FR 33385.

Expiration date of individual notice: August 22, 1983.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Metropolitan Edison Company, Jersey Central Power & Light Comany, Pennsylvania Electric Comany, and GPU Nuclear Corporation, Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: March 9, 1983.

Brief description of amendment: The amendment would add four snubbers supporting safety-related piping to the list of Safety Related Snubbers and delete three snubbers which previously supported safety-related piping from the list of Safety Related Snubbers. These changes are required because of piping modifications and additions to plant piping made in response to NRC Bulletin 79-14 and to upgrading the pressurizer pressure relief piping. The addition of and the elimination of certain snubbers is consistent with these piping changes.

Date of publication of individual notice in **Federal Register**: July 21, 1983, 48 ER 33380.

Expiration date of individual notice: August 22, 1983.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Metropolitan Edison Company, Jersey Central Power & Light Company, Pennsylvania Electric Company, and GPU Nuclear Corporation, Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: June 20, 1983.

Brief description of amendment: The proposed amendment would make four revisions to the Technical Specifications. First, it would revise the Technical Specifications to offset a potential non-conservatism in the prediction of peak cladding temperature during a loss of coolant accident (LOCA). The potential non-conservatism had been previously discovered and reported by the facility vendor. Second, it would revise the centerline fuel melt limit in the Technical Specifications for Cycle 5 operation from 19.6 kw/ft to 20.15 kw/ft. The 19.6 kw/ft limit was for Cycle 4 operation and was incorrectly retained for Cycle 5 operation.

Third, the proposed amendment would reduce the reactor protection system flux to pump trip setpoint for two pump operation from 91 percent (%) to 55 percent (%) of rated power. This reduction is based upon a vendor recommendation and will provide a common basis for future vendor analyses. Fourth, it would revise the quadrant tilt instrumentation requirements with respect to the preferred order of use of the three detector systems. The allowable quadrant tilt limits remain unchanged.

Date of publication of individual notice in **Federal Register**: July 21, 1983, 48 FR 33382.

Expiration date of individual notice: August 22, 1983.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station Unit 2, New London County, Connecticut

Date of amendment request: June 3, 1983.

Description of amendment request: The amendment would permit repairing degraded steam generator tubes by installing metal sleeves in such tubes rather than removing them from service by plugging them.

Date of publication of individual notice in **Federal Register**: July 28, 1983, 48 FR 34372.

Expiration date of individual notice: August 29, 1983.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut.

Northern States Power Company, Docket Nos. 50-282 and 50-306, Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2, Red Wing, Minnesota

Date of amendment request: June 10, 1983.

Brief Description of amendment: The amendments would permit a change of the sodium hydroxide concentration in the spray additive tank of the

containment spray system from the existing 30% by weight to a range of 9% to 11% by weight, inclusive. In addition, the amendments would permit the concentration to be out of specification limits for a period not to exceed 72 hours.

Date of publication of individual notice in **Federal Register**: July 14, 1983, 48 FR 32241.

Expiration date of individual notice: August 15, 1983.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Northern States Power Company, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2, Goodhue County, Minnesota

Date of amendment request: June 24, 1983.

Brief Description of amendment: The amendments would change the limit of the core local heat flux ration F_Q^N from 2.21 to 2.32, allowing a localized linear heat generation rate increase from 14.31 to 15.02 kw/ft which includes a 1.02 factor for power uncertainty. In addition the definition of F_Q^N would be changed from a neutron flux comparison to a heat flux comparison derived from measured neutron flux and fuel enrichment. The amendments would not consider the increase in peak fuel pellet exposure from 51 to 55 GWD/MTU until additional information is received from the licensee. This matter will be the subject of a separate notice.

Date of publication of individual notice in **Federal Register**: August 3, 1983, 48 FR 35200.

Expiration date of individual notice: September 2, 1983.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Pacific Gas & Electric Company, et al. Docket No. 50–275, Diablo Canyon Nuclear Power Plant, Unit 1, San Luis Obispo, California

Date of application amendment for: July 19, 1982.

Brief Description of amendment request: The proposed amendment would modify the Diablo Canyon Physical Security Plan to eliminate certain vital access controls that exceed current regulatory requirements.

Date of publication of individual notice: August 18, 1983.

Expiration date of individual notice: September 19, 1983.

Local Public Document Room location: California Polytechnic State University, Library, Documents and Maps Department, San Luis Obispo, California 93407.

Pacific Gas & Electric Company, Docket No. 50–275, Diablo Canyon Nuclear Power Plant, Unit 1, San Luis Obispo, California

Date of application for amendment: December 29, 1982.

Brief Description of amendment request: In accordance with the licensee's request of December 29, 1982, the amendment would change the Technical Specifications to accommodate the installation of two new inverters and associated buses to satisfy electrical loads associated with NUREG–0737 requirements.

Date of publication of individual notice in **Federal Register**: July 22, 1983.

Expiration date of individual notice: August 22, 1983.

Local Public Document Room Location: California Polytechnic State University, Library, Documents and Maps Department, San Luis Obispo, California 93407.

Pacific Gas & Electric Company et al., Docket No. 50–275, Diablo Canyon Nuclear Power Plant, Unit 1, San Luis Obispo, California

Date of application for amendment: May 2, 1983.

Brief Description of amendment request: The amendment would result in certain changes of the Technical Specification on the containment isolation system.

Date of publication of individual notice in **Federal Register**: August 18, 1983.

Expiration date of individual notice: September 19, 1983.

Local Public Document Room Location: California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California.

Pacific Gas & Electric Company, et al. Docket No. 50–275, Diablo Canyon Nuclear Power Plant, Unit 1, San Luis Obispo County, California

Date of application for amendment: June 23, 1983.

Brief Description of amendment request: In accordance with the licensee's request of June 23, 1982 and supplemental letter dated July 26, 1983, the amendment would change the Technical Specifications regarding the response time for containment spray initiation.

Date of publication of individual notice in **Federal Register**: August 18, 1983.

Expiration date of individual notice: September 19, 1983.

Local Public Document Room Location: California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California.

Pennsylvania Power and Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of application for amendment: January 31, 1983.

Brief Description of amendment request: The amendment would approve Revision 2 to the Susquehanna Steam Electric Station Fire Protection Review Report and change License Condition 2.C.(6) of Facility Operating License No. NPF–14 to require the licensee to maintain and implement the provisions of such approved Fire Protection Review Report in accordance with the licensee's application for amendment dated January 31, 1983.

Date of publication of individual notice: July 29, 1983.

Expiration date of individual notice: August 29, 1983.

Local Public Document Room Location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Pennsylvania Power and Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of application for amendment: February 3, 1983.

Brief Description of amendment request: The amendment would change Technical Specification 3.2.2 and Tables 2.2.1–1 and 3.3.6–2 to allow the expansion of the operating region of the power/flow map for the initial fuel cycle in accordance with the licensee's application for an amendment dated February 3, 1983.

Date of publication of individual notice: July 29, 1983.

Expiration date of individual notice: August 29, 19893.

Local Public Document Room Location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Pennsylvania Power and Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of application for amendment: May 4, 1983.

Brief Description of amendment request: The amendment would correct typographical errors in Technical Specification Table 4.11.2.1.2–1, Radioactive Gaseous Waste Sampling and Analysis Program, and in Section 8, Electrical Power Systems. The amendment would also correct nomenclature in Table 4.8.1.1.2–2, Unit 1 and Common Diesel Generator Loading Timers, and add a footnote to Table 3.8.4.1–1, Primary Containment Penetration Conductor Overcurrent Protective Devices, to clarify that each number under the "Circuit Breaker Location" column represents two breakers in series. Additionally, the amendment would delete a non-applicable requirement in Technical Specification 4.7.2.b.1, correct in inconsistency between Technical Specification Table 4.4.6.1.3–1 and 10 CFR 50 Appendix H with regard to the withdrawal schedule associated with the reactor vessel material surveillance program, and change the allowable value for the Reactor Vessel Level—High trip in Technical Specification Table 3.3.9–2 in accordance with the licensee's, application for an amendment dated May 4, 1983.

Date of publication of individual notice: July 18, 1983.

Expiration date of individual notice: August 17, 1983.

Local Public Document Room Location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Power Authority of the State of New York, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: July 7, 1983.

Description of amendment request: The license has proposed to modify the Technical Specifications pertaining to the Scram Discharge Volume (SDV) system to support modifications made to the system during the current refueling outage. The modifications currently underway will replace the single scram disclarge instrument volume with redundant instrument volumes, improve hydraulic coupling, include redundant vent and drain valves and level instruments for each instrument volume, add diverse automatic scram instrumentations and add early high water level detection instrumentation. In support of these modifications and consistent with guidance provided by the staff in a generic safety evaluation on long-term SDV modifications, the license has proposed certain changes to the Technical Specifications for the SDV system to add limiting conditions for operation and surveillance requirements for the newly installed components and instrumentation.

Date of publication of individual notice in **Federal Register:** July 28, 1983, 48 FR 33951.

Expiration date of individual notice: August 25, 1983.

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Public Service Electric and Gas Company, Salem Nuclear Generating Staton Unit Nos. 1 and 2, Docket Nos. 50–272 and 50–311, Salem County, New Jersey

Date of amendment requests: January 27, 1983.

Brief description of amendments: The amendments would modify plant systems and Technical Specifications to provide for semi-automatic switchover of safety injection systems from the Refueling Water Storage Tank (RWST) to Recirculation Mode following a loss-of-coolant accident in accordance with the license's application for amendments dated January 27, 1983.

Date of publication of individual notice in **Federal Register:** August 2, 1983 (48 FR 35054).

Expiration date of individual notice: September 2, 1983.

Local Public Document Room location: Salem Free Library, 112 West Broadway, Salem, New Jersey 08079.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of amendment request: December 14, 1982.

Brief description of amendment: The proposed amendment involves changes in the core design for the 6th reload cycle to include 40 axial blanket assemblies with modified end fittings, shortened burnable poision stack height and gray axial power shaping rods. In addition, the margin to core fuel melt for the last two fuel batches (7 and 8) was calculated using the TACO 2 code.

Date of publication of individual notice in **Federal Register:** June 23, 183, 48 FR 28764.

Expiration date of individual notice: July 25, 1983.

Local Public Document Room Location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento, California

Date of amendment request: February 17, 1983.

Brief description of amendment: The proposed amendment involves changes to the Technical Specifications to incorporate a number of NUREG–0737 items which were scheduled for implementation by December 31, 1981. The proposed changes are (1) adding trip setting limits and surveillance requirements for the anticipatory reactor trip: (2) adding limiting conditions for operation (LCOs) and surveillance requirements for the Reactor Coolant System high point vents, the Post Accident Sampling System, the accident monitoring instrumentation and the meteorological instruments; (3) adding LCOs for the Reactor Building purge valves; and (4) adding reporting requirements for the primary system safety and relief valves.

Date of publication of individual notice in **Federal Register:** June 23, 1983, 48 FR 28765.

Expiration date of individual notice: July 25, 1983.

Local Public Document Room Location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment request: June 13, 1983.

Brief description of amendments: The amendments would revise the Technical Specifications of the operating licenses to change the required surveillance interval for testing the Standby Gas Treatment System for once per year to once per operating cycle to be consistent with the requirements in the BWR Standard Technical Specifications (NUREG–0123).

The proposed change would also require concurrent demonstration of the operability of the Standby Gas Treatment System with the Primary Containment Isolation logic circuitry rather than testing of the Standby Gas Treatment System alone. The change would resolve ambiguities in the present wording of the specifications regarding the scope and frequency of the testing.

Date of publication of individual notice in **Federal Register:** July 15, 1983 48 FR 32418.

Expiration date of individual notice: August 7, 1983.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Attorney for licensee: H.S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33C, Knoxville, Tennessee 37902.

Tennessee Valley Authority, Docket No. 50-328, Sequoyah Nuclear Plant, Unit 2, Hamilton County, Tennessee

Date of application for amendment: June 15, 1983, July 1, 1983, July 27, 1983.

Brief description of amendment: One amendment would delay by approximately 12 months the completion of four items identified in the Sequoyah Unit 2 license. The licensee cannot complete the four items within the planned 74 day outage for refueling and maintenance that began on July 15, 1983, and maintain a high degree of quality of the other scheduled work as well as the safety of Unit 1 that will be operating during the Unit 2 outage. The manpower levels during the outage period were reviewed to assure that maximum trades and labor personnel limits had been properly established and that priorities of work were consistent with the overall requirements for safe plant operations. All delayed items are to be completed prior to restart after the second reload on Unit 2. Compensatory measures have been taken such that the delays involve no significant hazards consideration. The items are:

(a) A post accident sampling system is required that has the capability to promptly obtain and perform radioisotopic and chemical analysis of reactor coolant and containment atmosphere without excessive exposure to plant personnel. During this period for completing system modifications and equipment installation, sampling stations and interim procedures have been established to provide an acceptable level of primary coolant system activity measurements in the unlikely event a degraded core condition should occur.

(b) Additional instrumentation is required that will accomplish particulate, iodine and noble gas monitoring inside containment during the course of an accident. Procurement of high range monitors for an in-containment usage delayed the completion of the system design with the effect of delaying installation of equipment by the end of the current outage period. Interim acceptable measures are in effect whereby out-of-containment monitors are utilized to provide an adequate correlation of the outside containment radiation readings with in-containment radiation levels that are possible during the course of an accident.

(c) Additional instrumenttion or controls are required to supplement existing instrumentation in order to provide unambiguous, easy-to-interpret indication of inadequate core cooling. A reactor vessel level indicator needs to be installed. The reactor vessel level indicator and its associated instrumentation is part of the inadequate core cooling detection system that are being developed as a generic effort through the Westinghouse owners' group. An important aspect of this item is the emergency procedures for the utilization on the system and the training of operators. Procedures and training are expected to be completed at the time of the installation of the Sequoyah reactor vessel level indicator. Additional procedures are needed for Sequoyah since this plant has an upper head injection system which does not exist for most Westinghouse plants. Important elements of the inadequate core cooling detection system are already installed and operational which provide a satisfactory level of detection for the interim period. These are the primary coolant saturation monitors and the backup displays of the incore thermocouple temperature readouts up to the high temperature that could occur during an accident.

(d) Upgrading the emergency support facilities is required in order to fully comply with guidelines established by the NRC. The Technical Support Center (TSC) is operational and it has the same habitability requirements as the main control room with adequate communications and data input for handling emergency situations. The safety parameter display system has not been installed in the main control room; the TSC will not receive this type of improved data input until the installation of the system is complete. The TSC facilities continue to be adequate for full power operations.

Another amendment would change the technical specifications for Unit 2 to accommodate cycle 2 fuel reload operations and other improvements to plant operations. For this reload, sixty-eight new fuel assemblies will replace spent fuel from the first cycle. The new assemblies are the same as the assemblies in place, except for minor grid modifications to minimize interactions of grid spacing during fuel handling. Also some new burnable absorber rods will be utilized in cycle 2 that have been previously accepted for use in other nuclear plants. As part of this fuel reload a number of technical specification changes to improve plant operations are also requested, which were considered and found acceptable for Unit 1 operations. Consideration will also be given for changing the limits on the upper and lower compartment temperatures (based on new LOCA analysis), removing operating restrictions on control rod operations, and adding requirements on the hydrogen control system. Limiting conditions for purge supply and exhaust lines will be considered at a later time.

Another amendment would change the Unit 2 Technical Specifications regarding the testing of containment protective fuses from a destructive type of testing to visual inspection. Every 18 months, 10% of the protective fuses are to be tested to ensure their integrity. At Sequoyah there are three types of protective fuses: 6900 and 480 volt fuses crimped inline and 480 volt fuses located in clip type holders. Removal of the fuses for testing may compromise cable and holder integrity. Unit 1 Technical Specifications have been modified to permit visual inspection.

Date of publication of individual notice in **Federal Register:** August 15, 1983, 48 FR 36930.

Expiration date of individual notice: September 14, 1983.

Local Public Document Room Location: Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37401.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: October 14, 1982.

Brief description of amendment: The amendment would revise setpoints for the pressurizer code safety valves and pilot operated relief valve (PORV).

Date of publication of individual notice in **Federal Register:** June 23, 1983, 48 FR 28766.

Expiration date of individual notice: July 25, 1983.

Local Public Document Room Location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: January 12, 1983.

Brief description of amendment: The amendment would add surveillance of certain special interest steam generator tubes and visual inspections of the

internal auxiliary feedwater distributor, attachment welds, and thermal sleeves.

Date of publication of individual notice in **Federal Register:** August 2, 1983, 48 FR 35047.

Expiration date of individual notice: September 2, 1983.

Local Public Document Room Location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Tho Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa Country, Ohio

Date of amendment request: July 5, 1983.

Brief description of amendment: The amendment would permit loading of new fuel and shuffling of existing fuel and control rods for Cycle 4 operation. The loading includes 48 new fuel assemblies and the reinsertion of 37 previously discharged fuel assemblies. There are no mechanical design changes for the reload. Cross-core shuffling is limited to eight fuel assemblies to minimize carry-over effects from flux tilts encountered in earlier cycles. The planned duration of Cycle 4 operation is 240 effective full power days.

Date of publication of individual notice in **Federal Register:** August 4, 1983, 48 FR 35541.

Expiration date of individual notice: September 6, 1983.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry Country, Virginia

Date of amendment request: May 2, 1983.

Brief description of amendment: The amendments would revise the Technical Specifications to change the existing fractional power multiplier from 0.2 to 0.3 for both units and to restore the control rod insertion limits to pre-cycle 7 valves Unit 1.

Date of publication of individual notice in **Federal Register:** July 14, 1983 (48 FR 32245).

Expiration date of individual notice: August 15, 1983.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the 30-day period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in license amendment.

Notice of Considertion of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions were published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless indicated otherwise, the Commission has determined that the issuance of the amendments 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 issuance of the amendments. If the Commission has prepared an Environmental Impact Appraisal related to these actions, it is so indicated. If indicated, this notice constitutes a negative declaration and indicates that the Commission has concluded that an environmental impact statement is not warranted because there will be no environmental impact is not warranted because there will be no environmental impact attributable to the action beyond that which has been predicted and described in the Commission's Final Environmental Statement for the facility.

For further details with respect to the action see: (1) The applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluation and/or Environmental Impact Appraisals as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717, H Street NW., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Alabama Power Company, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2, Houston County, Alabama

Date of appuication for amendments: June 20, 1983, supplemented June 29, 1983

Brief description of amendments: The amendments would correct an adminstrative error in the Technical Specifications relating to testing and inspection of the river water system which would require unnecessary shutdown of both units for the tests. The changes would delete the words "during shutdown" from Technical Specification 4.7.5.b so that these tests and inspections could be conducted during operation.

Date of issuance: August 2, 1983.

Effective date: August 2, 1983.

Amendments No. 32 and *No.* 24.

Facilities Operating Licenses Nos. NPF–2 and NPF–8. Amendments revised the Technical Specifications.

Date of intial notice in **Federal Register:** July 12, 1983 (48 FR 32110) The Commission's related evaluation of the amendments are contained in a Safety Evaluation dated August 2, 1983. No significant hazards consideration comments were received.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Baltimore Gas and Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant Units 1 and 2, Lusby, Maryland

Date of applicition for amendments: April 27, 1983.

Brief description of amendments: Changed the Technical Specifications to (1) relfect new on-site organization, (2) revise surveillance for sealed sources (conformance with Combustion Engineering Standard Technical Specifications), and (3) deleted a snubber from the surveillance list (snubber was removed)—Unit 1 only.

Date of issuance: July 19, 1983.

Effective date: July 19, 1983.

Amendment Nos.: 85 and 68.

Facility Operating License Nos.: DPR–53 and DPR–69

Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 10, 1983, 48 FR 26927.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation.

No significant hazards consideration comments were received.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix County, Michigan

Date of application for amendment: April 20, 1983, as revised April 22, 1983

Description: The amendment approves Technical Specification changes which revise core thermal limits to accommodate the H–3 fuel.

Date of issuance: August 11, 1983.

Effective date: August 11, 1983.

Amendment No.: 59.

Facility Operating License No.: DPR–6.

Amendment revised the *Technical Specifications.*

Date of initial notice in Federal Register: June 22, 1983 (48 FR 28577)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation. No public or State comments were received with respect to the Commission's proposed determination that the amendment would involve no significant hazards consideration.

Local Public Document Room location: Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charleviox, Michigan

Date of application for amendment: May 27, 1983.

Brief description of amendment: The amendment approves Technical Specification changes which institute a procedure for use during start-up in the event that neutron source strength is too low to provide the maximum specified count rate.

Date of issuance: August 11, 1983.

Effective date: August 11, 1983.

Amendment No.: 60.

Facility Operating License No.: DPR–6.

Date of initial notice in **Federal Register:** July 6, 1983 (48 FR 31124) The Commission's related evaluation of the amendment is contained in the Safety Evaluation. No public or State comments were received with respect to the Commission's proposed determination that the requested action would involve no significant hazards consideration.

Local Public Document Room location: Charlevoix public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendment: April 18, 1983, as revised May 4, 1983.

Brief description of amendment: The amendments revise the setpoint and its tolerance for the Upper Head Injection (UHI) accumulator automatic isolation.

Date of issuance: July 26, 1983.

Effective date: July 26, 1983.

Amendment No. 23 for Unit 1 and 4 for Unit 2.

Facility Operating License No. NPF–9 for Unit 1 and NPF–17 for Unit 2.

Amendment revised the *Technical Specifications.*

Date of initial notice in **Federal Register:** June 16, 1983 (48 FR 27621).

The Commission's related evaluation of the amendment is contained in a *Safety Evaluation dated July 26, 1983.*

No significant hazards consideration comments received *No.*

Local Public Document Room location: Atkins Library, University of North Carolina-Charlotte, UNCC Station, North Carolina 28223.

Duke Power Company, Docket No. 50–269, Oconee Nuclear Station, Unit No. 1, Oconee County, South Carolina

Date of application for amendment: May 19, 1983, as supplemented July 13, 1983.

Brief description of amendment: The amendment relates to the Cycle 8 reload and involves numerical changes to the core protection safety limits, the protective system maximum allowable setpoints, and the rod position limits. These limits take into account the incorporation of: (1) four Mark BZ demonstration fuel assemblies for a second cycle of irradiation; and (2) five gadolinia lead test assemblies as part of the batch of fresh fuel used in the reload.

Date of issuance: August 3, 1983.

Effective date: August 3, 1983.

Amendment No.: 122, 122 and 119.

Facility Operating License No. DPR–38.

Amendment revised the Common Technical Specifications for Oconee Units 1, 2 and 3.

Date of initial notice in **Federal Register:** June 30, 1983, 48 FR 30224.

This Notice stated that we proposed a no significant hazards consideration determination for the licensee's May 19, 1983 amendment request concerning the Cycle 8 fuel reload for Oconee Unit 1. A supplemental letter related to this amendment request dated July 13, 1983 was received after issuance of the Notice, and was, therefore, not considered in the Notice. The supplemental letter, however, did not affect our proposed determination as stated in the Notice for the reason that the information submitted in this letter revised the proposed Technical Specifications to reflect the implementation of NUREG–0630 cladding rupture and swelling models into the loss of Coolant Accident (LOCA) analysis as requested by the NRC staff. The effect of this implementation is that it imposes a more restrictive LOCA limit on the plant with regard to peak linear heat rates at various core elevations.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated.

No significant hazards consideration comments received *No.*

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina.

Public Service Company of Colorado, Docket No. 50–267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of application for amendment: May 20, 1983.

Brief description of amendment: The amendment replaced the existing non-radiological Environmental Technical Specifications (Appendix B) with an NRC-approved Environmental Protection Plan (EPP). The only requirement changed related to ecological monitoring; the EPP requires continued vegetation monitoring.

Date of Issuance: August 10, 1983.

Effective Date: August 10, 1983.

Amendment No.: 35.

Facility Operating License No. DPR–34.

Amendment revised the Appendix B Technical Specifications.

Date of initial notice in **Federal Register:** June 22, 1983 (48 FR 28582).

The Commission's related evaluation of the amendment is contained in an Environmental Impact Appraisal dated August 10, 1983.

No significant hazards consideration comments received? *No.*

Local Public Document Room Location: Greeley Public Library, City Complex Building, Greeley, Colorado.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: December 14, 1982.

Brief description of amendment: The amendment involves changes in the core

design for the 6th reload cycle to include 40 axial blanket assemblies with modified end fittings, shortened burnable poison stack height and gray axial power shaping rods. In addition, the margin to core fuel melt for the last two fuel batches (7 and 8) was calculated using the TACO 2 code.

Date of issuance: August 3, 1983.

Effective Date: August 3, 1983.

Amendment No. 48.

Facility Operating License No. DPR–54.

Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: June 23, 1983, 48 FR 28764

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 3, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of applicaiton of amendment: February 17, 1983.

Brief description of amendment: The amendment involves changes to the TSs to incorporate a number of NUREG–0737 items as specified in our Generic Letter 82–16 dated September 20, 1982. The changes: (1) Add trip setting limits and surveillance requirements for the anticipatory reactor trip; (2) add limiting conditions for operation (LCOs) and surveillance requirements for the Reactor Building purge valves; (3) add reporting requirements for the primary system safety and relief valves; (4) add a policy statement on shift manning overtime limits; and (5) add the Reactor Building hydrogen sample line and the hydrogen recombiner penetration as components requiring local leak rate testing.

This amendment includes a portion of the items covered in the Notice identified below. The remaining items will be the subject of future Commission action.

Date of issuance: August 3, 1983.

Effective Date: August 3, 1983.

Amendment No. 49.

Facility Operating License No. DPR–54.

Amendment revised the Technical Specifications.

Date of initial notice in Federal Register: June 23, 1983, 48 FR 28765.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 3, 1983.

No significant hazards consideration comments received: *No.*

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION AND OPPORTUNITY FOR HEARING (EXIGENT OR EMERGENCY CIRCUMSTANCES)

During the 30-day period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulatons. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Becuase of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing. For exigent circumstances, a press release seeking public comment as to the proposed no significant hazards consideration determination was used, and the State was consulted by telephone. In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant, a shorter public comment period (less than 30 days) has been offered and the State consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless indicated otherwise, the Commission has determined that the issuance of the amendment 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 issuance of the amendment. If the Commission has prepared an Environmental Impact Appraisal related to the action, it is so indicated. If indicated, this notice constitutes a negative declaration and indicates that the Commission has concluded that an environmental impact statement is not warranted because there will be no environmental impact attributable to the action beyond that which has been predicted and described in the Commission's Final Environmental Statement for the facility.

For further details with respect to the action see: (1) The application for amendment, (2) the amendment to Facility Operating License, (3) the Commission's related letter, Safety Evaluation and/or Environmental Impact Appraisal, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the local public document room for the particular facilities involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention Director, Division of Licensing.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By September 26, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and wish to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic

Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

No later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Branch Chief*): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: June 24, 1983.

Brief description of amendment: This amendment provides the option of using a roving fire watch patrol in lieu of a continuous fire watch when required by a non-functional fire barrier penetration. Use of this option requires verification that fire detectors are operational.

Date of Issuance: July 19, 1983.

Effective Date: July 19, 1983.

Amendment No.: 65.

Facility Operating License No.: DPR–72.

Amendment revised the Technical Specifications.

Press release issued requesting comments as to proposed no significant hazards consideration: Yes.

Comments received: No.

State Contacted: No comments.

The Commission's related evaluation is contained in a Safety Evaluation dated July 19, 1983.

Attorney for licensee: Mr. S. A. Brandimore, Florida Power Corporation, Vice President and General Counsel, P.O. Box 14042, St. Petersburg, Florida 33733.

Local Public Document Room location: Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: July 26, 1983, as supplemented July 28 and 29, 1983.

Brief description of amendment: The amendment changes Technical Specification Table 3.7–1 related to surveillance testing of the degraded voltage relays in that the relay performance is verified at voltages below the trip setpoint; and changes Technical Specification 3.7.2.H related to manual action when the grid voltage drops below 218KV in that positive actions will be taken to return the grid voltage to 218KV. If the grid is not returned to 218KV within 8 hours, one electrical division will be operated on its diesel generator independent of offsite power.

Date of issuance: August 3, 1983.

Effective date: August 3, 1983.

Amendment No.: 50.

Facility Operating License No.: DPR–54.

Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

State contacted: No comments.

The Commission's related evaluation is contained in a Safety Evaluation dated August 3, 1983.

Attorney for licensee: David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street, P.O. Box 15830, Sacramento, California 95818.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Tennessee Valley Authority, Docket No. 50–328, Sequoyah Nuclear Plant, Unit 2, Hamilton County, Tennessee

Date of application for amendment: June 21, 1983.

Brief description of amendment: The amendment authorizes a temporary change in the surveillance requirements for rod drop tests and calibration of full length control rod position (rod bottom) limit switches. The licensee is required to demonstrate periodically (every 18–22

months) that the control rods will drop from the withdrawn position to the fully inserted position within a certain specified time. Also, the full length control rod position limit switches are calibrated in the remote shutdown control room during the same period of time. Control rods are verified to be operable every 31 days in accordance with other provisions of the Technical Specifications. Technical requirements associated with the restart of Unit 2 at this stage of the core life cycle, such as xenon buildup, would make it impractical to return to power operations after July 16, 1983. The amendment increases the surveillance period by 20 days. The maximum surveillance interval permitted by the Technical Specifications is 688 days. This change was made to permit the licensee to carry out the control rod tests and calibration of the limit switches to coincide with the scheduled refueling for Unit 2 which will occur no later than August 5, 1983.

Date of issuance: July 15, 1983.

Effective date: July 15, 1983.

Amendment No. 20.

Facility Operating License No.: DPR-79.

Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: Yes.

Comments received: No.

The Commission's related evaluation is contained in a Safety Evaluation dated July 15, 1983.

Attorney for licensee: Herbert S. Sanger, Jr., Esq., General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33, Knoxville, Tennessee 37902.

Local Public Document Room location: Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37401.

Dated at Bethesda, Maryland, this 16th day of August 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-22971 Filed 8-22-83; 8:45 am]

BILLING CODE 7590-01-M

federal register

Tuesday
August 23, 1983

Part IV

Office of Management and Budget

Notice of Budget Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Notice of Budget Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report a new deferral of budget authority for the Railroad Retirement Board, totaling $165,000.

The details of the deferral are contained in the attached report.

Ronald Reagan.

The White House,

August 18, 1983.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	Budget Authority
	Other Independent Agencies	
	Railroad Retirement Board	
	Limitation on Railroad Unemployment	
D83-83	Insurance Administration Fund.....	165
	Total, deferral.....	165

****

SUMMARY OF SPECIAL MESSAGES
FOR FY 1983
(in thousands of dollars)

	Rescissions	Deferrals
Eleventh special message		
New items.....		165
Change to amounts previously submitted.....	---	---
Effects of eleventh special message.....		165
Amounts previously submitted that were changed by this message.....	---	---
Total, rescissions and deferrals.....	---	165
Amounts previously submitted that were not changed by this message.....	1,569,015 1/	13,559,345
Total amount proposed to date in all special messages.....	1,569,015 1/	13,559,510 2/

1/ This amount includes $23,400,000 in current budget authority for the rural telephone bank that is offset by a corresponding increase in permanent budget authority (R83-20).

2/ All amounts listed represent budget authority except for $15,944,000 of outlays only in one general revenue sharing deferral (D83-16B).

Deferral No: D83-83

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Railroad Retirement Board	New budget authority (P.L. 98-8): $ 11,337,000
Bureau	Other budgetary resources: 2,841,118
Appropriation title & symbol: Limitation on Railroad Unemployment Insurance Administration Fund 20X8042(02)	Total budgetary resources: 14,178,118
	Amount to be deferred: Part of year: 165,000
	Entire year:
MB identification code:	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual [ ] Multiple-year (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other

Justification: This account funds administrative expenses of the Railroad Retirement Board under the railroad unemployment and sickness insurance program. The Board has been provided funds to upgrade and modernize its data processing operation. However, the Board is currently reassessing the scope and timing of its modernization effort and has not completed the detailed planning necessary to upgrade its data processing operation. Accordingly, funds associated with this activity are being deferred. This is a routine deferral taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Effects: There will be no effect on the operation of the program as these funds would not be obligated until the normal planning process and associated financial plans have been completed.

Outlay Effect: This deferral will have no effect on FY 1983 outlays.

[FR Doc. 83-23160 Filed 8-22-83; 8:45 am]
BILLING CODE 3110-01-C

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Code of Federal Regulations

Revised as of April 1, 1983

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_____	(Part 1, §§ 1.501 to 1.640) (Stock No. 022-003-95173-3)	$6.00	_____
_____	(Parts 2 to 29) (Stock No. 022-003-95177-6)	$7.00	_____
		Total Order	$_____

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